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COUZETE.

VOL. XXXVIII, NO. 111.

HONOLULU, H. T., FRIDAY, JANUARY 15, 1904-SEMI-WEEKLY,

WHOLE No. 2555.

PUBLIC OPINION IS AGAINST EXTRA SESSION

A Variety of Advice is Offered as to What is Best to Be Done-Appeal to Congress and Supreme Court of United States Suggested.

In order that Governor Carter may WHAT PEOPLE ARE nolulu's representative citizens on the result of the Supreme Court's decision on the County Act, he has sent out a call to a number of prominent citizens of all parties to meet with him this morning at 9 o'clock in the Hall of Representatives to discuss the situation. Buggestions will be asked of all present as to what course to pursue with regard to County Act measures.

Mr. Buckland communicated with a large number of people by telephone late yesterday afternoon to be present. and in most instances the responses were sufficient to indicate that the meeting will be a large and an important one. The list of gentlemen re-

quested to attend is as follows: E. D. Tenney, S. M. Ballou, W. O. Smith, U. S. District Attorney Breckons, L. A. Thurston, George W. Smith, the members of the Senate, A. G. M. Robertson, P. C. Jones, Judge Dole, S. Farrington, A. Gartley, William Henry, A. S. Humphreys, the "County" Supervisors, C. M. Cooke, Mr. Spaiding, J. H. Boyd, Frank Hoogs, representatives of the Advertiser, Star, Bulletin and Independent, C. P. Iaukea, Judge Whiting, J. W. Matthewman, A. A. Wilder, Samuel Parker, Prince Kawananakoa, A. W. Pearson, E. S. Cunha, C. W. Ashford, John Colburn, E. A. Mott-Smith, R. N. Boyd, E. C. Winston, A. Lewis, Jr., A. V. Gear, T. McCants Stewart. Fred Macfarlane, Judge Hartwell, Government officials, Albert Judd,

open to all present.

W. R. Castle

SAYING OF OUTLOOK

"Where are we at?" was the question on everyone's lips yesterday after the decision of the Supreme Court in the County Act case became known. And every one had an answer. A special session of the Legislature was the reply of many. An immediate appeal to Congress was another favorite theory. Allow the government to run along as it is now on the old appropriations was still a third solution while the majority opinion was "Deliver us from another

session of the present Legislature."
Representative citizens will get a chance to say just what they think ought to be done at this morning's meeting in the old throne room, and out of the multitude of wisdom offered probably some solution will be found for what everyone says is a very difficult problem.

A few days ago the government had M. Damon, Cecil Brown, W. G. Cooper, no money and a pienitude of appropria-H. E Cooper, Walter G. Smith, W. R. tions. Now the Territory will have money in plenty but no appropriations under which it may be spent.

Immediate appeal to Congress is the course advised by many and there has been some talk that United States Attorney Breckons would go to Washington on the Korea Friday and push the Hatch bill through Congress. But even this has its drawbacks as there would be some delay and the possibilities of failure in the end. An appeal to the United States Supreme Court is also suggested which would permit the county governments to exist, although there would still be the diffi-

(Continued on Part 3.)

SUPERVISORS APPROVE **CURTIS IAUKEA'S BOND**

Probably the Last Official Action of the Board Is Taken Before the Final Decree and Judgment Is Entered.

Oahu Supervisors will hold on to their and referred to the county attorney, Mr. County Act test case. What will probwas taken yesterday in the approval of factory. the bond of Curtis Iaukea, as assessor of the county. Iaukea has qualified but may not get an opportunity to act as assessor, although he wanted his office in case anything should happen to place him in the position again, or at least to insure his salary if the county act is passed by Congress or re-enacted by the Legislature.

It was a gloomy lot of county officials and hangers on which met in the Castle, & Cooke's hall at four o'clock. Tack Lucas was the only member absent when the meeting was called to order by Chairman Hocking, and when he came in he asked the supervisors what they were doing, and took a seat in the court had given the supervisors no norear with the spectators. Judge Whiting who was in attendance at the meeting, told the supervisors that they were not "pau" yet, and District Attorney Rawlins said he hoped to get a trip to said he guessed not as Breckons was go-

ing on Friday. In calling the meeting, Mr., Hocking said it was for the consideration of the assessor's bond which had been submitted with August Dreier and Mrs. Samuel Parker as sureties, each in the eum of \$150,000.

Judge Whiting stated that he had examined the qualifications of the sureties, and had found each of them possessed of much more property than the amount had qualified properly he was entitled given in the bond and added that the to his office and he moved that the bond supervisors could satisfy themselves also be approved. as to the qualification of the bondsmen. Judge Whiting said he also wanted to suggest, in view of the reports of the board could legally do so, and would county act decision in the papers, based on the ground that it was not in accord with the Organic Act, that it was simply an opinion, not a decision. ethis case the Supreme Court had original

jurisdiction not as an ordinary case re- had been held with the trustees of viewing a decree, and therefore until a Queen's Hospital, the Leahi Hospital is the only representative in Congress decree had been signed, the supervisors and the Kapiolani Maternity Home, but were still in office. He said that under no decision had been reached, and the these circumstances Mr. Iaukea had a committee was given further time right to qualify as the board was still | An adjournment was taken until Monlegal, and would remain so until a decree day morning at ten o'clock or if not had been signed, and if a writ of error called sooner by the chair. The memwas taken out, until a final decree in the bers were notified also to attend the United States Supreme Court.

Mr. lankea's bond was then presented o clock this morning.

Jobs until final judgment and decree is Rawlins immediately giving an opinion entered by the Supreme Court in the that it was in conformity with the coun-

Mr. Mahoe then moved that the bond ably be the last official act of the board be approved, the sureties being satis-Supervisor, Gilman amended this to make the approval be only as far as the board was legally empowered to

> Chairman Hocking suggested that the district attorney be asked for an opinion as to the legality of the board's action. He said he saw no reason why the approval should not be the same as with other county officers, if the board had the right, and if the board was not legally existence then there should be no approval at all.

> Supervisor Harvey said that the best way was to accept the bond and let the Supreme Court pass upon the matter if the question was raised. He said the tice, and he knew nothing excepting what appeared in the papers.

District Attorney Rawlins gave an opinion that until a decree had been signed the board could act, and would Washington out of it: Judge Whiting be acting, under the law. He agreed with Judge Whiting that it was simply an opinion, and the judgment had not been entered. As counsel in the case he had received no notice and it was his opinion that every man was entitled to hold his office until the decree had been signed. He said he intended to hold on to his office until notified that a decree had been signed, and then he proposed to object to the decree.

Supervisor Lucas said that if a man

Mr. Gilman stated that he would vote for the approval of the bond if the accept the opinion of the county atforney. The bond was then approved unanimously.

Supervisor Gilman reported for the committee on health that a conference

conference with the Governor at nine

THE COUNTY ACT IS KNOCKED OUT

The County Act is dead. It was declared wholly null and void by a unanimous decision of the Supreme Court, filed at 12 o'clock noon yesterday.

Although the fate of the famous measure was decided on the single question of taxation, the Court's la guage in waiving consideration of other points indicates plaining mough that the Act is honeycombed with defects more or less of viously and imminently dangerous" to its life.

The full text of the decision here follows

valid parts could not be carried into effect, the Legislature would not pass the valid parts independently, the whole must fall.

So much of Act 31, Laws of 1903, known as the County Act, as provides new features in Territorial taxation not incidental to county organization or government, is void under the provision of Section 45 of the Organic Act, "that each law shall embrace but one subject, which shall be expressed in its title."

Said void portion is such an essential feature as to vitiate the whole Act.

OPINION OF THE COURT BY FREAR, C.J. This is an appeal from a decree dismissing a petition for a writ of quo warranto brought by the Territory for the purpose of inquiring by what authority seven named respondents claim County of Oahu. The real object of the proceeding is to test the validity of

If the Act is void, the respondents do of processors in the Act were pointed not lawfully hold the offices which they out by counsel as being according to claim to hold solely under that Act.

equally desirous with the petitioner to have the case decided on the merits.

the Act are in general as follows: 1. That the Act was never passed by the House of Representatives as required by the provision in Section 46 of the Organic Act, that in order to become a law the final passage of a bill in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered on the journal, in that, as contended, the House journal shows that the final action in that body was the adoption of the report of the conference committee which recommended certain amendments and does not show that the bill as so amended was passed at all by

2. That the Act makes the County Board of Supervisors an elective body, contrary to the provision in Section 80 of the Organic Act, that the Governor shall appoint, with the advice and consent of the Senate, certain specified officers and boards and "any other boards of a public character that may be created

3. That the Act creates a Territorial' Territory, not appointed by the Governor, with the consent of the Senate, at all as to one of its members, the Secretary, nor appointed by him as members of the board as to any of its members, contrary to said Section 80 of the Organic Act.

That the Act requires the transfer to the counties, to be controlled by vari-

Works and High Sheriff by transferring most of their powers and duties to other officers, contrary to Section 75 of the Organic Act, which provides "that there shall be a Superintendent of Public Works, who shall have" certain enumerated powers and duties, and Section 79 which contains a similar provision in

regard to the High Sheriff.

6. That the whole Act is void because it contains two subjects, one in relation to county government and one in relation to Territorial works and institutions and because, as contended, the title of the Act is likewise correspondingly double, in contravention of Section 45 of the Organic Act, which provides that each law shall embrace but one subject which shall be expressed in its title.

That so many and such important thority seven named respondents claim. 7. That so many and such important to hold office as Supervisors of the portions of the Act are void and ineffective that none of it can stand.

We will assume for the purposes of this case that the first six of these argu-Act 31 of the Laws of 1903, known as this case that the first six of these argu-the County Act, most of the provisions ments are unsound, and base our deciof which were to take effect by its terms sion on the seventh alone. In susport of this argument a number

their contention, void or ineffective in No question has been raised by the whole or in part for one reason or anrespondents as to procedure or jurisdic-other. Without professing on the one tion, but on the contrary they seem hand to enumerate fully or on the other to confine ourselves strictly to the proreasons advanced by them in each in-The arguments against the validity of stance, the general line of thought on the Act are in general as follows: this branch of the case may be illustrated by the following statement of arguments: That certain provisions are void or ineffective in whole or in part because they are made to depend upor laws which were assumed to be still in force but which had in fact been repealed (as, for instance, Sections 454, 455, relating to contested elections, as shown by In re Election Contest, ante); or because they purport to transfer to certain county or Territorial officers powers and duties which were assumed to have been in certain other officers, whose offices, however, had been abolished by the Organic Act or whose duties had been transferred either by the Organic Act or by our own laws to other officers (as, for instance, Sections 365, 304, which purport to transfer to other officers the powers and duties of the Minister of the Interior relating to medicine, surgery, pharmacy, dentistry and prisons); or becaue they relate to purely Territorial matters in contravenion of the provision of the Organic Act that each law shall embrace but one Board of Equalization consisting of the subject which shall be expressed in its Secretary, Treasurer and Auditor of the title, (as, for instance, Sections 380-Ferritory, not appointed by the Gov-rnor, with the consent of the Senate, ritorial Board of Public Institutions, as shown in Dole vs. Cooper, ante); or because of two or more of the foregoing reasons (as, for instance, Sections 395-401, 495, 496-501, which place the Ter-ritorial penitentiary in the control of

(Continued on Page 5.)

DELEGATE KUHIO WOULD BE WILLING TO RUN AGAIN

WASHINGTON, Dec. 28.- Delegate Kalanianaole has received letters bearing upon his candidacy for delegate at the next election, and in one from & prominent official be was asked bluntly whether or not he would be a candi-The Delegate since his arrival in Washington, has keenly observed the workings of Congress, and m of the opinion, while not directly broaching his own candidacy, that it is against the interests of Hawaii to have a new delegate enter Congress at each new session. Prince Kuhlo's opinion, like that of a majority of congressmen, is that the changing of a delegate, who a territory has, necessitates the official learning the ropes over again, to the detriment of his territory's interests. Prince Kuhlo is non-committal on the next nomination, but it is believed be would accept it if offered to him.

WOULD BE A DELEGATE. WASHINGTON, December 21.—Dele- Hawalian lighthouses was taken over.

gate Kalanianaole has written to Governor Carter and Secretary Atkinson that he would be pleased to serve Hawaii as one of the delegates to the Republican Convention to be held at Chi-

In making the effort to have the Fed-

eral Government take over the lights. houses of Hawail, the Delegate stated to the bureau officials that the Hawaiian government would cease to maintain the lights after December 31, 1993, that after that time the coasts would be in darkness, and the Federal Government would then be responsible for any wrecks that might occur. The delegate was told that Hawati was on s par with Porto Rico and the Philippines in this respect. The delegate explained that Hawall was a territory, and after a display of data convinced the officials having the matter in hand. that Hawall, in its political status, was unlike Porto Rico and the Philippines. Upon this showing the control of the

SEOUL A DANGER POINT FOR AMERICAN VISITORS

Japan Makes Concessions and the Czar Pledges Himself to Work For Peace.

The full text of the decision here follows:

IN THE SUPREME COURT OF THE DOUGH COUNTY OF HAWAIL OCTOBER TERRITORY OF THE OCTOBER TERRITORY

DETROIT, Jan. 15.- Japan has filed a rush order in this city for 40,000 tons of coal.

BERLIN, Germany, Jan. 14.—Responding to the peace overtures of European Powers, Japan has stated that it will consent to eliminate Manchuria from the controversy, leaving Russian rights to that section unquestioned. Japan is ready to restrict its claim to the demand that Korea be left to Japanese influence. The Japanese Government also proposes a neutral zone along the Korean border.

PORT SAID, Suez, Jan. 14.—The two Japanese cruisers recently purchased from Argentine left for Suez today. A Russian battleship has arrived at this port and will presumably follow the

LIGHTHOUSE KEEPERS ARE NOW FEDERAL EMPLOYES

The commissions for the lighthouse keepers under the United States Lighthouse Board were received in the Siberia's mail, and the men now in charge of the Territorial lighthouses will soon be Federal employes. The old officers of the Territory are reappointed by the Federal authorities, the commissions having been made out in Washington. The lighthouse keepers are required to take the oath of allegiance to Uncle Sam. The salaries remain the same as appropriated by the legislature and range from eight to one hundred dollars per month.

E. M. Shaw, the clerk who will assist the lighthouse inspector in organizing the service, is expected from San Francisco on the Alameda today.

THE NEXT STEPS.

The unanimous decision of the Supreme Court declaring the County Act invalid, devolves important responsibilities upon the Governor and the people. So many perplexities appear that it is necessary to go slow in determining what is best to do. Governor Carter fully realizes this, and has called a conference of leading citizens to meet this morning to consider the outlook-a method resembling the recourse to the "elder statesmen" in Japan, and altogether admirable in its assurance of calm deliberation and a satisfactory procedure afterwards.

Two or three conclusions seem to be clear already to many citizens, friends as well as opponents of the County bill:

(1). The community cannot afford to have and does not want the present Legislature to be called into extra session. There is no public faith in its integrity or ability as a whole. It could not be kept to one subject nor to a minimum limit of time. Probably the Legislature would insist on sitting sixty days to consider a new County bill and thirty days to consider appropriations under it, at an expense of not less than \$1,000 per day. There is no assurance that a second County measure would be more valid than the first or more permanent; and it is likely that its bonding clauses would be so modified as to render them of little value as a safeguard. Over all proceedings would be, as before, the trail of the grafter.

(2). The annulment of the County Act does not make it imperative that the Legislature should convene and make new appropriations. To arm against contingencies such as the failure of a Legislature to provide for the expenses of Government, the Organic Act empowers the Treasurer of the Territory, with the advice of the Governor, to meet such obligations from the public funds as may have been authorized by the last previous appropriation bills. Thus, where the Legislature of 1902-3 deprived the Territory of certain appropriations which were passed over for County enactment, and which the annulment of the County law again makes necessary, the appropriations made by the Legislature of 1900 apply. In brief Hawaii goes directly back to the old form of government established by Congress and to the appropriations made by the first Legislature which were not continued by the second. So there will be no "chaos" and no hiatus; simply an orderly and safe reversion to first principles. Meanwhile every official chosen under the County Government Act ceases his functions, his election being void by virtue of the illegality of the Act under which the County election was called and held.

What not to do seems clear enough! What to do is something that may be safely left to the Governor and his veteran advisers.



Surrenders to Police A Famous Revolutionist on Punchbowl Slopes.

Joe Finn, the hackdriver who is alleged to have shot Hugh Rooney last Saturday night on Union street, gave himself up to the police last night about 7:30 o'clock, having remained in

concealment for three days and nights. Finn was released on a bond for \$1,000 with H. E. Gares and W. H. Cunningham as sureties. The bond expires at 9 o'clock this morning, at which time Finn must be at the Police Station. His case is set for that hour to the Police Court. Upon arrival at the Police Station last evening Finn was charged with assault and battery with

Deputy Sheriff Chillingworth received word yesterday afternoon that on certain conditions Finn would give himself up. One condition was that he be released on a good and sufficient

Deputy agreed to Finn giving himself up on this condition, and it was then agreed that the hackman would surrender at 7:30 on Punchbowl.

assailant. At 7:30 Finn emerged from the darkness and Chillingworth arrested him.

Finn looked as if he had been in a cellar. He was unkempt, his collar and There being but one government offitie were gone and he needed a shave. Without parley he asked Chillingworth for a cigar. The Deputy said to him: "Booze did it, didn't it, Finn?" No

"What's the matter with you-are you crazy?" Again no answer.

LEADING CITIZEN

"I have had conversations today with a number of leading members of the bar," said W. R. Castle yesterday, "and the impression seems to be that this way. The passage of the eighteen months bill is taken as an indication that the legislature intended to provide

"The gravest danger in my opinion is

with the criminal law. Suppose the Supervisors appeal to the Supreme Court at Washington and in the meantime the county officers continue in control. The police make arrests, and the courts try and convict them and they would be condemned.

"Suppose that these condemned men apply to the Supreme Court for a writ. make arrests, their contention must be upheld upon today's ruling that the county act is void, and they would be released. There would be a regular fail delivery.

1s no appeal and the Supervisors acquiesce in the decision, and the Terrilivery. The criminal side of the law appeals to me as the serious one and it

another session of the legislature. opposed to such a thing."

CHRONICLE'S STORY

WASHINGTON, January 5.- Jonah

Prince Cupid tried to make it plain to the policeman that the law did not apply to members of Congress and

Addresses Research Club.

At the regular meeting of the Research Club held last evening at the residence of W. W. Hall, Nunanu street, the feature of the session was an able and interesting address by Dr. Sun Yat Sen, the Chinese leader of the Revolutionist party, his subject being "Things Chinese." He spoke slowly and with care, and presented a very lucid statement of conditions in the Chinese Empire.

He opened by saying that the subject was a large one, that the Empire was larger than the United States and had a population of 400,000,000 people. It was an absolute monarchy, there being no judicial system, no congress, no responsibl eministry.

The Empire consisted of several groups of states, each almost a distinct empire. There was China proper with the descendants of the original Chinese race; second, Manchuria; third, Mongolia; and fourth, Thibet. Manchuria was governed by a Tartar general; Mongo-lia by a Prince of the country itself; Thibet by its priesthood at the head of which is the Lama. The Emperor of China is a Manchu of the dynasty which conquered China in 1744, A. D.

In the Empire there were eighteen provinces each governed by a viceroy. Each province is divided into districts at the head of which is a government official or magistrate. The average population is a million to each district. cial to such a large community shows the government does not extend deep among the people. This indicates also that the Connese live a comparatively free community existence.

"What's the matter with you—are All struggles in China have mainly been dynastic. One village, however, "Are you tongue-tied?" No answer. All efforts to get Finn to talk proved er said the weakness of China was the futile. It is believed that he has had lack of centralized control. There was an attorney during the time he has too much liberty of a loose kind to hold

the empire together.

The people of China were essentially homogeneous; barring the dialects on the coast fley were practically of one language. While the present government was feeble and in a dying condition, it could not maintain control. The partition of China would prove impossible. The Chinese would resent it and European powers would find that it involved unpleasant difficulties.

EXECUTIVE TOURS OF OTHER ISLANDS

Governor G. R. Carter will leave Honolulu in the steamer Kinau next Tuesday to make a tour of the Island of Hawaii. Secretary A. L. C. Atkinson will accompany him, also Land Commissioner J. W. Pratt and Private Secretary F. D. Creedon. This will be the initial one of a series of executive visits to the different islands, with the object of gaining an insight upon the ground into Territorial interests every-

The expedition to Hawaii will make a landing at Mahukona and proceed through Kohala, Waimea and Hamakua districts to Hilo. From the chief town the Governor's party will go to Olaa, thence completing the circuit by visiting Puna, Kau, and South and North Kona. In Kohala special observations will be made and information gathered bearing upon the Kohala

water license. Public works in all districts will be inspected with, doubtless, the obtaining of material for special representations to Washington besides what will be useful to the intelligent administration of strictly Territorial affairs.

The Hawaii trip would have been taken in yesterday's steamer but for the expected arrival of retiring Governor Taft of the Philippines this week.

ANOTHER CLUBMAN IN THE TOILS

Tome Matsu, a Japanese woman, was living happily in Hilo with her husband sometime ago. She was in jail last night. It came about in this way: Yamakawa, alleged to be a member of the Japanese Ten-Dollar Club, made her acquaintance and induced her to come to Honolulu. The Hilo husband was deserted but recently he learned funds which shall come into his hands that Yamakawa was keeping the woman here and he came to town and notified the Federal authorities. Marshal Hendry arrested the pair in an alleyway off Hotel street last night and they were locked up.

Two Assessors Installed.

Treasurer Kepoikai has taken the necessary action for turning over the business of two assessors' offices to the elected and qualified county incumbents. The first is to William Mc-Dougall, assessor of the county of West Hawaii, and the second to C. A. Rice, assessor of the county of Kaual. The Treasurer was not informed of the respective amounts of bonds given, but received a certificate that the officer in each case had qualified.

Flag for Kailus,

Secretary Atkinson yesterday went out and bought a National flag and sent it by the Kinau to the county of West Hawaii, for hoisting upon the county building at Kallua. This was done by direction of Governor Carter who promptly took action in response dom. Mr. Nahale, in his letter to the Governor, stated that West Hawall's county government was organized and n minning order, though without any

FINN GIVES DR. SUN YET LAUKER'S BOND IS NOT HIMSELF UP ON CHINA ACCEPTED BY THE BOARD

Curtis laukea Attends the Session Big Figures Given McKinley Memoand Leaves It in a Bad Temper.

Curtis Iaukea's temper played a com- surety on any such bond unless a resi-

The tax assessor-elect grew wrathy over an alleged misinterpretation of the remarks of Supervisor Mahoe made delivering himself of a Fourth of July provided by law." oration on "honor and justice" petulantly left the hall and did not return. laukea's exhibition was amusing in that it suggested a child who "won't

play" in somebody's else back yard. The episode occurred while Mahoe was speaking on the motion of Mr. Gilman to return the bond to Mr. Iaukea together with the opinion of the District Attorney. Mr. laukea leaned over to Judge Whiting, his attorney. and carried on a whispered conversation, nodding his head toward the interpreter.

Robert Boyd then interpreted the remarks and as he concluded, Iaukea jumped to his feet exclaiming: "Mr. Chairman, the interpreter is not

quoting the speaker's remarks cor-Mr. Boyd attempted to explain, but laukea, raising his voice, said theatri-

"I appeal to your sense of honor and justice, gentlemen. The interpreter is prejudicing my case. I appeal to any one else in this hall to affirm whether I am not right in this matter," and Curtis swept his hand over the audi-

ence. "He is not doing right by me." "I am interpreting, not literally, but giving the gist of his remarks," returned Mr. Boyd. 'Mr. Mahoe is merely repeating what he said before."

Chairman Hocking asked one or two supervisors whether the interpretation was correct or not, but without waiting for a reply, laukea took his hat and flaunted out of the hall with the re-

"Oh, I don't want any more of it," Chairman Hosking called to him to remain, but the advice was unheeded and the statesman from Halelwa "departed not to return."

DISTRICT ATTORNEYS OPINION. District Attorney Rawlins presented his opinion on the Iaukea bond as soon as the board was called to order. He read from pencil notes, not having had time to put the opinion in formal writ-He had hardly begun to read ing. before the Salvation Army came down Bethel street, its band playing a religious air, which drowned out the attorney's voice. Supervisor Gilman, thinking of his horse which was tied to a post in the street below, whistled to attract the Army's attention and the band suddenly ceased its melody. Mr. Rawlins' opinion was as follows: Honolulu, Jan. 12, 1904.

County of Oahu. Gentlemen: In answer to your oral request for an opinion as to whether the bond presented by the Hon. C. P. Iaukea, County Assessor and Tax Collector-elect; is in conformity with law, I beg to make the following reply:

To the Honorable Board of Supervisors

In passing upon the bond submitted by the several county and district officers, we are bound by Chapter 13 of Act 31 of the Session Laws of 1903, commonly known as the County Act. Section 59 of Chapter 15 requires that "every county and district officer shall. before entering upon the duties of his office, furnish a bond to the Territory of Hawaii, in the amount required by law, conditioned to faithfully perform all the duties of his office as prescribed by law, safely to keep all moneys which may come into his hands by virtue of his office; promptly to pay over to the person or persons legally authorized to receive the same, all such moneys in the manner provided by law. and to deliver over to his successor in office, all moneys held by him as such officer. Each officer (and his bondsmen and his sureties, RESPEC-TIVELY, shall be responsible for ALL by virtue of his office. On each of such bonds there shall be at least two sureties, who may by the court, or officer, or board regalred to approve the bond, be examined on oath, touching their qualifications. No person shall be

edy part at the County Supervisors dent and freeholder, or householder, session last night during the discussion within the Territory, and worth in real of his bond, which was afterwards re- in the Territory, the amount of his unand personal property, or both, situate jected by the Board on the recommen- dertaking, over and above all sums for dation of District Attorney Rawlins. | which he is liable, exclusive of property exempt from executions and forced sale, provided, however, that nothing herein contained shall prevent any officer from giving a bond of a surety into English by R. N. Boyd, and after company in such manner as may be

It is plain from the reading of the above quoted section, that the intention of the Legislature, was to make the principal and each one of his sureties responsible for all the funds which might come into the hands of the principal, and that no surety could limit his liability by qualifying in any specific amount less than that of the principal, but that he must be liable in such amount his principal.

In the bond presented the several sureties have limited their liability by declaring that they are only liable in a certain specific amount. This, in my opinion, is in direct contradiction to the plain intent of the law. None of have justified in the sum of \$150,000.

In conclusion I would state that, in my opinion, the bond presented by the Hon. Curtis P. Iaukea does not conform to the law and is not such a bond as is required by the statute. Respectfully submitted.

WILLIAM T. BAWLINS, District Attorney.

Judge Whiting asked whether there were any technical errors in the bond. Mr. Rawlins replied that his opinion merely related to the validity of the document.

"I have noticed, however, that Mr. Iaukea swears that he is worth so much," said Mr. Rawlins. "He is not required to do so."

Mr. Gilman moved, seconded by Lucas, that the bond be returned to Mr. laukea, together with the opinion.

NO ARGUMENT FOR MAHOE. Mahoe then made objection on the ground that the bond showed sufficient

security and therefore, there was no need of argument in the premises. At this juncture Isukea entered his

protest. When the smoke had cleared Mr. Gil-

sureties might be worth millions apiece. These were not the grounds on which he, personally, made objection. Each person as surety on a bond may be well qualified to show himself worth a million of dollars. That was not the question, before the Board. The question was whether or not the bond as submitted was legal and would hold water in case it should have to go into court. A bond must be filed. which if necessary, could be taken into a court. Mr. Gilman did not want a bond which might be thrown out of the courts when offered.

Lucas said that Mahoe was laboring under a wrong impression.

Chairman Hocking said the form of bond in the County Act was the same used by the Federal Government. In his own experience he had seen a bond rejected and sent back to Washington where it was declared vold. The very points raised against the lauker bond were the points which invalidated the Federal bond. The Federal government was generally pretty careful, and if it rejected the bond for the reason that the Supervisors proposed to reject laukea's bond, they were following a safe precedent. He agreed that the advice of the County Attorney should be followed.

Mr. Robinson agreed with the opinion of the District Attorney. The vote was then taken as follows

Ayes—Gilman, Lucas, Robinson Hocking, 4. Noes-Mahoe, Kealoha, Harvey, 3.

SUPREME COURT TEST.

After the meeting Judge Whiting for Mr. Iaukea, and District Attorney Rawlins agreed to take the matter into the Supreme Court this morning on an agreed statement of facts to secure, in possible, before this afternoon, an opinion from that body, as to the validity of Mr. Rawlins' opinion.

(Continued on page 3.)

ARTILLERYMEN ON MORTAR PRACTICE

One hundred artillerymen from Camp McKinley, under command of Captain Douglass, left the post yesterday morning, and proceeded by train to Pearl City, where they debarked and marched to Waianae-uka, where they will engage in mortar and gatting-gun practice for a few days.

Fifty men from each of the two companies-the 66th and 67th-were detailed for the expedition. Captain Douglass had detailed with him Lieutenants Newton and Behr. The men left camp with tent and camp equipage and rations sufficient for five days. The return to Honolulu will be made next Saturday morning, camp being broken at daylight.

Lt. Col. McLellan, commanding officer at Camp McKinley, will leave for the exercise camp today and will remain with the troops until their re-

TREASURY PAYDAY WILL BE PASSED

Next payday at the Registry of Finance, falling on Friday next, will be passed. Treasurer Kepoikai, before leaving for Maul in the steamer Claudine yesterday evening, instructed Regtrar Hapal to pay no treasury warrants until after his return.

"We are limited in funds anyway," the Treasurer said in explanation to an Advertiser reporter,

The next treasury payday that will be kept is Wednesday the 20th, Mr. Kepoikal expecting to ceturn next Sunday morning.

Treasurer Kepoikal made his second official call on the Governor, since his refusal to resign the Treasury keys, resterday to request leave of absence the rest of the week. Governor Carter received him cordially and without hesitation granted his request. The Treasurer's visit to his old home is on private business

HAWAIIAN MAY ASK FOR

for Estate of a Minor.

Daniel Nuuanu's trial for manslaughter was resumed from Friday last before Judge Robinson yesterday morning. Deputy Attorney General Peters presented in evidence several photographs of houses and surrounding objects at Puuloa, where Kaalbue is alleged to have been strangled by the hands of the defendant.

S. F. Chillingworth was entered of record as associate counsel for Nuitanu, on motion of Henry Hogan, defendant's chief counsel.

The prosecution had not rested yes terday evening.

Carl Santos, indicted for assault and battery with a deadly sweapon, was released on a noile prosequi requested by Deputy Attorney General Peters. William Patterson's trial for assault and battery was set for 10 o'clock to-

MINOR'S LARGE ESTATE.

Aifred W. Carter, guardian of the estate of Annie T. K. Parker, a minor, has presented his fourth annual account to the Circuit Court. It shows receipts of \$78,977.89 and payments of \$71,661.95, leaving a balance of \$7,815.94 the sureties on the bond presented ferred the account to P. D. Kellett, Jr., as master.

Among the larger payments is an item of \$56,250 for a 9-20 interest in the ahupuaa of Waikoloa from Lucy K. Peabody and others. The balance from the third annual account was \$12,587.57.

The inventory of the minor's estate shows about 93,838 acres of real estate, including the proportion of Walkolon above mentioned; twelve leaseholds of land, all but one from the Government: loans, investments and cash on hand amounting to \$55,565.94, and a half interest, respectively, in 25,000 head cattie, 2,000 horses and all other live stock on the Parker ranch,

Parker ranch reports appended to he account show total realisations of \$149,170.32, of which \$133,982.75 was derived from sales of 3108 head of cattle. Butter was sold to the amount of 6980 pounds, bringing \$2336, or an average

of 33.46 cents a pound. The disbursements came to \$138,928.97, leaving an excess of realizations of \$11,141.35. The items of dispursements were these:

Operating expenses \$66,062.74

SATISFYING JUDGMENT.

The suit of Enterprise Mill Co. vs. Pacific Mill Co. had another airing before Judge De Bolt yesterday, on a motion for examination of judgment cular of information concerning the debtor. A verdict was obtained by situation be sent out to as many as plaintiff at last term, but when it came possible of the contributors, and also, to collecting the judgment by execution no property could be found on which to levy. There were moneys due the defendant, however, to get which for satisfaction of the judgment was the object of this hearing.

Hatch & Ballou appeared for plaintiff; Castle & Withington, for American-Hawalian Construction Co., one of the garnishees; Abram Lewis, Jr., another garnishee, in person. Defendant's counsel at the trial did not ap-

The court ordered Mr. Lewis to pay to the plaintiff \$602,64 which he held in trust. The American-Hawaiian Engineering & Construction Co. was ordered to pay \$397.36 it owed to the defendant into court.

THE KANOA ESTATE.

The report of Mr. Kellett as master on the accounts of the estate of Kaleipua Kanoa, deceased, shows \$2579 on each side, as all the surplus over expenses went to the beneficiaries. The income paid to five legatees was \$1543 --76, or \$308.75 to each. By the last inventory, filed in September, 1898, the estate consisted of \$31,300 value in real property and \$1600 in personalty. It was recommended by the master that a new inventory be filed. This estate is that left by the widow of Paul Kanoa, who was Governor of Kauai and Finance Minister in Kalakaua's Cabinet overthrown by the revolution of approved by Judge De Bolt as previously reported.

BROWN MINORS' ESTATES.

The report of Mr. Kellett, master, on the guardianship of Francis Hyde II Brown, a minor, shows a balance of \$1469.70 for the ward from receipts of \$2633.70, the latter including the previous year's balance of \$573.70. The minor's estate is valued at \$27,181. In the same master's report on the guardianship of George Ii Brown, the balance is shown as \$712.24 from receipts of \$3725.85, the previous year's balance having been \$65.85. The estate is valued at \$28,283.24. Both accounts are found correct with the exception that in George Ii Brown's case 25 head of cattle are said to require accounting for. Judge De Bolt approved the cocounts on the hearing of the master's reports.

THE CUMMINS ESTATE.

R. W. Breckons, attorney for the beneficiaries, has filed exceptions to the supplementary report of Henry Smith, master, on the 40 shares of Walluku Sugar Co. stock left by the late Thomas Cummins, father of the late Thos. J. Cummins whose dealing with the Walluku stock is the subject of the present controversy.

THE FEDERAL COURT.

In the United States District Court resterday, dates were set by Judge fore Judge Dole this morning.

RANCHING A MONUMENT rial Fund Under

Debate.

If all of the members of the Buckeye Club of Honolulu can agree on the subject that association will, in a few weeks, forward a letter to the General Committee of the McKinley Memorial Fund, asking the latter organization to canvass among the subscribers in an effort to get them to agree to divert the fund from the park scheme to that of erecting a monument in memory of President McKinley, one of the greatest of Ohiosus.

Last night's meeting of the Buckeye Club was held at the Beretania avenue residence of Mr. and Mrs. J. K. Brown and was well attended. Among those present were: Dr. and Mrs. J. M. Whitney, Mr. and Mrs. W. A. Bowen, Mr. and Mrs. H. H. Williams, Rev. W. D. Westervelt, Rev. W. H. Rice, Mr. and Mrs. Wm. Graham, Mr. and Mrs. Francis W. Smith, John W. Frances, Miss Belle Johnson, Miss Ida M. Pope, Miss Albright, Miss McCracker, Mrs. E. M. Watson, Miss Anderson, Mrs. Geo. B. McClellau, Stanley Livingston, F. M. Bechtel, Charles McGenogle, Charles Frazier, Miss Jessie Frazier, Miss Skinner, Miss Dryer, Miss Herner, Miss Byington, Dr. W. G. Rogers, Mrs. Anvis Montague Turner, Mr. Strong, Miss Ashton, Mr. and Mrs. G. R. Cullon, Mr. and Mrs. W. E. Skinner and Will Seve.

At a previous meeting of the club a committee had been appointed to look into the question as to whether the McKinley Memorial Fund park might be dropped and a monument substituted in its stead. This committee reported as follows:

Your special committee, appointed to investigate in regard to the Mc-Kinley-Memorial Fund and report such auggestions as in their judgment seemed good, at the next meeting of the Buckeye Club, have now to report as follows:

"L That a number of the members of the General Memorial committee have been consulted and that they feel doubtful as to the propriety of diverting the funds to a monument since the original contributions were so largely made under the condition and under the expectation of a Memorial Playground park.

"2. That on account of the hard times having cortailed to some extent. the amount originally expected to be collected by the General Committee, we fear, as it now stands, the park idea will never materialize into anything permanently valuable and suitable as a memorial to the name of wil-liam McKinley.

"Wherefore, in view of these circumstances, we recommend that the Buckeye Club formally address a letter to the said General Committee of the Mc-Kinley Memorial Fund, wherein it be definitely suggested that a general cirthat it be announced through the newspapers, inviting the subscribers to reconsider the purpose for which their contributions were made and recommending a change to building a suitable monument, suggesting an early reply from said contributors, in absence of which the General Committee may be properly regarded as at liberty to dispose of the land already bought. and with the money now in hand build a memorial monument."

The association voted to accept the report but a motion was made and carried that before writing to the General Committee all the members of the Buckeye Club should be communicated with by letter and their opinion in reference to the matter secured. Should these opinions be favorable to the monument idea a later meeting of the club will draft a letter to the General Committee of the McKinley Memorial Committee. With but little debate W. A. Bowen and the Rev. W. D. Westervelt were named as a committee to send a letter to each member of the club outlining the above plans.

A large number of the members of the club seemed to feel that enough money would not be secured so that the land already purchased for a park would ever be put in very suitable shape and that it would be better to sell that land and with money now in hand but up a monument in the central part of Honolulu, probably at the 1887. The account here mentioned was junction of King, Richards and Merchant streets.

> After the monument matter had been disposed of as above those present enjoyed a very good program of music. Mrs. Annis Montague Turner turnished one of the most pleasing numbers of this. Later, refreshments were served. All around the Brown home there were little groups of Buckeyes discussing all manner of events but chiefly the prospect of Mark Hanna securing the nomination for president and what they could do for Hawaii in case their new Chin idol could reach the presiden-

tial chair. All those present complimented Mr. and Mrs. Brown for the fine evening's

From twenty to thirty claimants on the Chinese fund had their cases attended to by Secretary Atkinson resterday. There are many applicants to the Secretary for certificates of Hawalian birth of Chinese children, without which if they are taken to China by their parents they cannot return to the Territory.

***** Dole for the various trials under the big conspiracy indictment. That of

the first bunch, consisting of five out of the 80 defendants, will take place on the 19th inst. The others will follow in their order. The trial jury will again appear be-

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a weapon, to-wit, a loaded revolver. bond being given for his appearance. When the sureties were named the

Accompanied by McDuffle and Renear, Chillingworth went to the corner of Luzon and Kinau streets and waited for the appearance of Rooney's

been in hiding, and that the instructions to him were to remain quiet, VIEWS OF A

it is possible to get over the financial difficulty engendered by the county act decision, by the operation of the Orsanic Act, which makes provision in cases of failure of the legislature to appropriate, the appropriations of the last preceding legislature can be used. The six months bill passed by the present legislature would be a guide in

of habeas corpus on the ground that the county officers had no right to Take the other side. Suppose there

torial officers resume their duties. They make prisoners and they are convicted and condemned. Then the convicted man goes to Washington on an appeal on the constitutional ground that he has been arrested and convicted by some ore not authorized to do 20. Then if the Supreme Court holds the act to be valid chaos will result and there would be another jail de-

may make a great deal of trouble. "One thing is certain-no one wants Everyone I have talked with today is

OF KUHIO'S ARREST

Kalanianaole, better known as Prince Cupid, delegate to Congress from Hawall, had a belated celebration of New Year's day last night and landed in jail charged with disorderly conduct. He had a wordy war with a bill collector and was arrested with the collector.

Princes of the blood royal but his argument fell on dull ears. At the First Precinct Station Prince Cupid became so angry that he would not put up \$5 collateral and spent the night in jail. This morning a friend heard of his scrape, and put up the money without Cupid's knowledge. Cupid was still angry and wanted to fight the case, to a request from Assessor J. K. Na-He was provided with a cup of coffee hale for the glorious symbol of free and sandwich at the expense of the District of Columbia and conveyed in the Black Maria to the police court. where the case was postponed until

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(Continued from Page 2)

KAILIMAI WITHDRAWS BOND.

Mr. Gilman for the committee composed of Mr. Harvey and himself reported on the Kallimai bond sureties. He stated that Mr. Kailimai agreed to withdraw the bond and to present a new one with other sureties:

MORNING SESSION.

At the morning session of the County Supervisors held at 9 a. m. Curtis Iauken failed to show up to present his bond as Tax Assessor, through some misunderstanding.

Other matters were taken up, including a communication of W. L. Frazee, superintendent of the Government electric light station in Nuvanu, to which was appended an inventory of property handed over to him by the Superintendent of Public Works. The following letter from the Attorney General was read:

Honolulu, Jan. 8, 1904. Gentlemen: The Rev. H. Manase has been chaplain at the Oahu prison for the last six months, under salary, provided by the Legislature, of \$25 per month.

The appropriation is dispensed with under the eighteen months' bill, and it therefore remains with the County whether he shall be reemployed at the County jail. To the best of my knowledge, the Rev. Mr. Manuse has performed valuable services during his incumbency at the jail. Yours truly.

LORRIN ANDREWS. The letter was placed on file.

Mr. Mahoe wanted Mr. Manase appointed as chaplain with a county salary. The chair did not think the county, but the Territory, should pay. Mr. Harvey said that once the door was opened by the Supervisors a deluge of offices would be forced upon

the county, and the latter would have

to foot the bills. Mr. Harvey thought prayer a good thing and thought the Supervisors' sessions should be opened with a call upon the Almighty to bless the meetings. Mr. Lucas suggested that Mr Harvey take upon himself this duty and Mr. Harvey accepted the post.

The Manase matter was then considered and on a motion to appoint him as jail chaplain, the matter was voted

An adjournment was then taken to

AFTERNOON SESSION.

The bond of Curtis Laukea was brought up at the opening of the afterndon session, Judge Whiting presenting it in person. Mr. Iaukea was also present, and the audience chamber was filled with spectators. Chairman Hocking gave Judge Whiting an opportunity to make whatever explanation regarding the bond he desired. The latter, handing the bond to the chairman said:

"We have a bond here of which I in formed you yesterday. It has a stamp on it as required by law, and if there is any informality in the bond I would like to be told of it, and would like to know if it can be cured.

"I have, however, to record a change himself on the bond for \$10,000. He thought his name was sufficient with out his swearing he had any property. He has, therefore, not qualified on this bond. There are however, bondsmen as surety for \$300,000, with \$150,000 as principal. The others have qualified. Without going into details it would be better for me to gay that Dr. McGrew has not qualified. Mrs. Parker has gone on the bond for \$25,000 instead of \$15,000. It is now a question as to whether the bond is in legal form, ready for approval."

submitted to the District Attorney for an opinion as to whether the bond was in proper legal form, the opinion to be in writing. This was seconded. Kealoha was of the opinion the bond of Iaukea should go through the same form as the others already passed up-

The chair stated that the laukes bond was more complicated than any of the others. The others had, in many cases, been taken up by the surety companies. He demanded an opinion from the District Attorney on the in-, the remainder of the biennial period stant. In response to the chair's statement that laukea's bond was different, Kealoha asserted that it was similar. The chair again stated that no such bond had yet been before the Board. The others had been for the full amount of the bond, that of laukea called for individual amounts, as he understood it.

Mahoe was of the same mind as Kealoha. He also demanded that the District Attorney make immediate reply on the bond. He put his suggestion in the form of a motion. He said that the bond was thoroughly understood. The Tax Collector (Iaukea) had a lot of business to attend to, and there were lots of people waiting to get married. but could not because the Tax Assessor had not qualified.

Mr. Gliman replied that it was only fair and in justice to Mr. Iaukea, as well as to the District Attorney, that the latter be given a fair amount of time in which to prepare an opinion: There were subjects brought up at the meeting over the bond which had not before developed. If an off-hand opinion were given it might even work to the disadvantage of the Assessor.

The District Attorney arose and said he could not understand why he should be forced to take immediate action. If he should have a haphazard opinion as to its validity, and if subsequently Mr. Inukea made an error in the official conduct of his office, and the Suthere was no telling what might happen. He put the matter squarely before the two objecting members saking them if they realised the gravity. of the situation, in case nothing could

presenting his bond, and under these Maina," and "Dewey, the Hero."

d circumstances he thought it only fair and square that he be given time. Frank Harvey said the eight days had been taken up by lauken in obtaining his sureties. However, as he had obtained the names and the bond good idea for the District Attorney to render an opinion on the instant. If he decided adversely it would give Mr. laukea an opportunity to procure other sureties to present before the Board today.

On Mr. Rawlins promising that he could render an opinion by 8 o'clock iast evening, the matter was put to a vote and carried on that understand-

OTHER BONDS APPROVED.

The bond of Mr. Kaili, district magistrate for Walaiua, for \$1,000 was ac cepted.

The bond of George W. Nawaakoa road supervisor for Ewa, for \$1,000, with A. G. M. Robertson and S. M. Dwight as sureties, was accepted.

The bond of W. H. Kailimai, keepe of the fishmarket, for \$1,600, was presented. One of the sureties was John E. Bush. After some discussion, it was voted to have a committee consisting of Messrs. Gliman and Harvey, appointed by the chair, to investigate Mr.

Bush's property responsibility. GUARDSMEN WANT WORK.

A communication from a long list of members of Company H, 1st Regiment, National Guard of Hawaii, was read, in which the signers asked for work in the Road Department. They said they had had nothing to do for several months. They stated they had supported the Republican party in the last campaign and would stay by the party through thick and thin and do everything in their power to return the obligation.

The communication was referred to Road Supervisor Vida-

LINDSAY TOOK OATH. Police Magistrate Lindsay appeared before the Board to announce that in response to a request from that body he had again taken oath as magistrate before the Chief Justice.

MR. EMMELUTH IS FOR EXTRA SESSION

Honolulu, Jan. 13, 1904.

Editor Advertiser: The county bill that was, is not, and the question arises, "What are we going to do about

Immediately after the general election in 1900 the Home Rule Executive Committee proposed, in the public interest, that the several parties represented in the campaign just closed, should appoint members of a committee to draft a county bill for presentation to the legislature.

Their kind intentions were at that time ignored, from motives which it is unnecessary now to discuss, but is it not time, in that same "public interin regard to the bond. That is in the est," to determine the best means of case of Dr. McGrew, who had signed meeting the requirements of the situation and to honestly face the conditions brought about by the annexation of

these islands to the United States? In the States and Territories of the Union "county" government is an inexpensive as well as simple means of formulating and administering laws for the governance of those residing in the county.

The poorest man, having the qualifications to commend him to the elector-Mr. Gilman moved that the bond be ate, is on an equal footing with his wealthier brother in seeking office. "Bonds" are given by those actually handling cash, provision is made for malfeasance in office and its punishment and that is all the check required on the remaining officers.

> The course that appeals to me as the most consistent to be pursued, is for the Governor to call the legislature in extra session for the purpose of making Territorial appropriations covering and also to frame and pass a law providing for the election of a commission from the several representative districts in ratio to their representation, the election to take place within sixty days after passage of the act and the commission to frame a county government bill together with a set of amendments to our present law to make same conform thereto, for presentation to the next legislature.

I see by the evening papers that the Governor is in favor of a commission but of only three members and they to be appointed. I doubt if the Governor has the right to make such appointments in the absence of legislation

Any partisan commission would mean another appeal to prejudice at the ballot box next November. It is about up to the voters of this Territory to determine what is best for them and it is the duty of the Governor and Legislature to pave the way for the opportunity by creating an elective commis-

For County Government. JOHN EMMELUTH

Irish Matienalist Here.

P. O'Brien, an Irish Nationalist of Brooklyn, prominently identified with Republican politics in that city, arrived on the Siberia yesterday and registered at the Young Hotel pervisors proceeded to sue on the bond, is one of the leaders of the Irish element of the Republican party in Brooklyn, and assisted largely in the campaign which elected Roosevelt governor of New York.

Mr. O'Brien participated in the Febe obtained from the sureties on the nian raid on Canada in 1870. He has written several Mr. Rawlins stated that Mr. laukes among them being "Roosevelt's Charge had seen fit to wait eight days before a San Juan Hill." "The Battleship

IAUKEA'S BOND IS NOT ACCEPTED BY THE BOARD KOHALA WATER LICENSE NOT MUCH BLOWN UP BY AS FINALLY REVISED

was before the Board he thought it a The Licensee Must Pay Minimum Annual Tribute of \$3000---Protection of Homesteaders and Small Consumers.

Governor Carter yesterday passed; ed rights of private parties in all such upon the final draft of the Kohala water license, made by Attorney General Andrews after consultation with him. An abstract of the document is herewith given. Portions closely affecting public interests in the distribution of the water are printed in full, while the technical details of terms and conditions are condensed.

ABSTRACT OF LICENSE.

Whereas the surface waters that are now running to waste from the mountain watersheds in the District of Kohala, on the Island of Hawaii, can be used to the advantage and benefit of the residents of that District, and of the Territory of Hawaii, if diverted from their natural channels, for domestic, homestead, agricultural and other purposes, and such diversion and increased use of these waters cannot fail to increase the prosperity of the people residing there, as well as the wealth of the island through a greater value for its lands, and a larger output from its soil, the productiveness of which is the mainstay of this Territory.

Following the preamble is the granting clause, wherein James W. Pratt. Commissioner of Public Lands, in consideration of the premises and of \$500. does grant unto the party who obtains ence first, to private parties, for dothe license, for the term of fifty years, "all the running natural surface water" upon and over all the Government lands on the Island of Hawaii, bounded

Boundary.-Bounded on the north by the sea, on the east by Walplo Valley. on the south by Waipio Valley, and the boundary line between the lands of Laupahoehoe I, and II., Nakooka, Apua, Walkapu and Honopue on one side, and the lands of Puukapu and Kawaihae I, on the other side, until such boundary line reaches an elevation of 4,200 feet, from which point the contour line of 4,200 feet elevation shall form the balance of the boundary of the south, and on the west, by the lands of Honokane and the private lands of Awini, the whole of such area being hereafter called the Kohala Wa-

Objects.—The licensee is authorized to sell such water for "domestic uses, irrigation and other purposes," and to construct the necessary works for carrying the water across Government

Construction .- The licensee is to construct its works so as to deliver water to consumers upon the following lands:

land of Honokane iki and the Western boundary of Hawali, within two years of the date of this license. 2nd. Shall deliver water to all con-

sumers for any purpose whatsoever, within a period of three years from the date of this license, at any point within the District of Honokane iki and Laupahoehoe, II. 3rd. Within a period of four years

from the date of this license will complete the construction of its lines and deliver water to all consumers between the District of Honokane iki and Waimanu, and between the Western boundary of Hawii and the land of Kawai-

That any failure by the said licensee to complete any of these lines within the specified time shall act as a forfeiture of all right of said licensee to further extensions along the line where such failure occurs.

Dealing in Lands.-The licensee agrees that it will not buy, sell, lease or otherwise deal in real estate, beyond the direct necessities of its business under the license, upon penalty of forfeiture of the license.

Compensation and Taxes.-A fee of \$500 is to be paid on the issuance of the license and on the corresponding date of each year thereafter an additional fee of \$500. In addition to such annual fee of \$500 the licensee agrees to pay each and every year a percentage (at present left blank) of all the gross revenues received by the licensee, "from all sources whatsoever," but in no event, after the expiration of two years from the date of the license, shall the percentage received by the Territory be less than \$2500 during each and every year, regardless of whether such \$2500 is in excess of the percent-

age agreed upon or not. And during the term of the license the licensee shall also pay all taxes, of whatever kind or nature, amessed by the Territory or any subdivision thereof, upon the lands and properties of the licensee; and nothing stated, expressed or implied in the license shall be deemed to exempt the licensee from the payment of such taxes: and any failure on the part of the licensee to comply with the terms of this section shall act as an immediate forfeiture of

Accounts.-Annual accounts of the affairs of the licensee are to be rendered not later than February 15, such accounts to be sworn and classified. showing the actual cash received as well as disbursements. The Auditor or such officer as the Governor may designate is to have free access to the books of the licensee at all times.

Materials.-The licensee is given the privilege of using all earth, rock and timber upon the lands in question, necessary to the construction, maintenance and repair of its works.

Vested Rights.--All rights and privileges herein granted to the licensee are. and must be, subject to existing vestwaters, and to the rights of the United States therein.

Plans and Surveys.--All plans and surveys must be submitted to and approved by the Superintendent of Public Works and the Commissioner of Public Lands, or such other officer as the Governor may direct, before the construction shall be commenced by the licensee.

No Exclusive Right.—This license shall not be construed to confer any exclusive right in the waters of the said Kohala Watershed to the licensee but the licensee shall have a right, under this instrument, for the period herein granted, only in so much of said waters as he or they shall be the first one to appropriate and use for the beneficial purposes herein set forth, and for no other. It shall not in any way attempt to develop water in said Kohala Watershed by means of drains, ditches or tunnels, but the licensee's rights are strictly limited to the surface water flowing in the natural water-ways, and the confining, conveying, and the use of the same as herein set forth.

Delivery of Water. The licenses shall furnish water to all consumers demanding the same from the ditches, flumes, reservoirs and tunnels constructed for the conservation or conveyance of said water, giving prefermestic purposes and uses, second to homesteads for agricultural purposes and third for agricultural purposes in general

Further Delivery of Water.-In furnishing water to all consumers, for domestic, agricultural or other purposes, the licensee shall deliver such water at such points of the ditches, flumes and tunnels as shall be reasonably convenlent to such consumers. Should any case of dispute arise between said licensee and consumer as to the point of delivery, the same shall be settled by arbitration, as hereinafter provided.

Charges for Water.-For all water supplied to consumers for domestic uses and purposes, a uniform rate of charge shall be maintained. Such rate shall be fixed by the licensee with the approval of the Commissioner of Lands at the date of the license, and revised and redetermined by the same parties at the expiration of each five years from the date of the license unth its final determination.

Homesteaders are to be charged "as low a rate as is charged to any other consumer for agricultural purposes." Homesteaders.—The word homestead-

ers, as used in the license, shall mean all persons, or their heirs and assigns, 1st. For domestic and agricultural holding from the Government of either purposes at any point between the the Territory or the United States; or from special agreements of the Land Act of 1895 and its amend-ments; or from kuleanas held under Land Commission Awards or Patents.

Other Applicants.-All other applicants for water, who are in possession of lands conveniently accessible to water from the ditches, flumes, pipes, tunnels or reservoirs built and constructed by the licensee, shall be equitably supplied at reasonable rates.

Protection of Forests.-The licensee must build fences wherever deemed necessary by the Commissioner of Lands or other officer designated by the Governor, to protect the forests from cattle or other animals, and shall make all reasonable efforts to prevent and extinguish all forest or brush fires within the Kohala watershed.

Insufficient Supply. If the licensee shall, at any time during the continuance of this license, be unable to supply all its consumers with the full amount of water required by them, because of insufficiency of water under its control, then such water as shall at such time be under the control of the licensee, shall be, by arbitration, apportioned equitably among the various consumers, so long as such insufficiency of water shall continue.

Officials Changes of names of officials, through change of government, shall not affect the license.

Ownership of Water.—The licenses hereby admits the ownership of all water mentioned in this license to be in the Territory of Hawaii, and agrees that no rights shall accrue to the licensee through the use of the said waters by way of prescription, beneficial use or otherwise after the termination of this license.

Acceptance of License.-The license is to be accepted by endorsement of the licensee and the payment of the first annual fee of \$500.

Payments.-All payments of moneys due to the Territory shall be made to the Commissioner of Public Lands.

Weirs.-The licensee must construc measuring weirs in all its ditches, so as to measure the water from public lands in distinction from water obtained from private sources. Bridges and Fences.-The licensee

must construct bridges across its

ditches intersecting public roads and fences, wherever required by the Commissioner of Lands. If this is neglected the Commissioner may do the work at the expense of the licensee, to be immediately paid to the Territory. Repairs and Additions.-The Commissioner of Lands may require the licensee, at its own expense, to make such repairs and additions as may in his judgment be necessary to prevent injury to life, or damage to public or private lands. If not done by the licensee, the Commissioner may make such repairs and additions at the licennee's expense, payable on demand. Surrender of Libense .- At the end of in set forth

Agriculture and Forestry.

The Board of Agriculture and Forestry held its weekly meeting in the Representatives hall of the Capitol yesterday afternoon. With L. A. Thurston, president, there were present W. M. Giffard, J. F. Brown, A. W. Carter and C. S. Holloway, secretary and executive officer, of the Board, and A. F. Judd, secretary of the Hawaiian Stock Breeders' Association.

Mr. Carter reported from the committee on seeds that the list had been completed and the orders would be forwarded by the outgoing mail. Mr. Giffard would order some from an East India firm, while he would order from Australia. Both would order on their own credits and when the seeds came make out their bills to the Board. It. was mentioned that the allowance for this purpose was \$150.

The president made a statement about the cost of trees at the nursery, from information given to him by Mr. Austin, gardener. It came to about 3 1-8 cents apiece for propagation and if the expenses of the nursery were added the cost would be 4 cents.

Mr. Holloway read a letter from August Knudsen referring to forest seeds he had imported for Mr. Austin and which he was donating to the Board. He returned thanks for vegetable seeds

On motion of Mr. Giffard it was directed that a letter of thanks be sent to Mr. Knudsen.

Mr. Holloway stated that Warden Wm. Henry, who had been at Thomas square with a gang of prisoners, had reported a black blight on the trees The executive officer asked if the Board would advise the use of the fumigating apparatus to eradicate the

On the suggestion of the president, the matter was referred to the committee on entomology.

Mr. Carter was granted further time for the committee on transportation to

President Thurston recommended that the committee on regulations be instructed to prepare a new rule, providing in effect that if the entomological department, at any time, does not see fit to admit imported plants the entomologist shall file a report giving his reason for refusing to admit the plants. misunderstandings, there should be a

writteh statement. carry out the recommendation.

Mr. Holloway reported letters ations. They were referred to the finance committee without being read. The Board then went into executive

Judge Dickey, the Sunny Jim of the Judiciary, held on to his commission

to good purpose. Observe "the smile" that won't come off." Murders, robberies and the like on

Kauai are nothing unusual. / With a whiskey ring, a gambling ring, a corrupt police force and all sorts of dev-

50 years all the rights acquired and imbe surrendered to the Government of the Territory.

tory is empowered to take over the entire works on payment of cost of construction with the addition of percentages, thus: before the end of 15 years. 25 per cent: after 15 years, 20 per cent; after 25 years, 15 per cent; after 25 years, 10 per cent.

Forfeiture of License.-This license of its terms, conditions, provisions or not complied with by the holder of said . well. license.

Arbitration.-In case of disputes, the Commissioner may appoint one arbitrator, the licensee another and these two a third. On the failure of either of the principals to name an arbitra-Justice or any Justice of the Supreme Court may, on application to him, appoint the second arbitrator. The same relief is given where the first two, in either of the foregoing cases, fail to agree on the third arbitrator.

A decision by any two of the arbitrators shall be final and binding upon all parties concerned. All expenses of arbitration shall be paid by the licen-

Sale of License.-This license for taking water from the Kohala Watershed, and the delivery and sale of the same and all power developed therefrom, under the stipulations and conditions substantially set forth in the foregoing license, will be offered at Public Auction, at Henolulu, after due advertisement, and may be granted to the bidder of the highest rate of per cent on the gross revenues of the licenses, as herein set forth, the upset price of which shall be twelve and one-half (12%) per cent, to be paid annually to the Government of the Territory of Hawall, in addition to the annual fee of Five Hundred (999) Dollars as bere-

WAS DONE DYNAMITE

At Meeting of Board of Murder Reported From Garden Isle.

Arthur Glennan, in charge of the Makaweli ditch on Kausi, was murdered last Friday night by Japanese, two of whom, believed to have a knowledge of the matter, being now under arrest. The crime was most dastardly. A stick of dynamite was placed under the bed in Glennan's tent and a fuse attached which was ignited from the outside presumably from a cigarette. H. C. Smalley, Glennan's assistant, the only white man in the vicinity, was led off after his horse which had been stolen away, and the telephone wires leading to the camp had also been cut just

prior to the commission of the crime. The full particulars of the crime were sent in a private letter to Mrs. Dr. W. G. Rogers from her brother. H. C. Smalley, who with Glennan was in charge of the work, and who was the first man at his side after the tragedy. B. B. O'Shaughnessy, the engineer in

charge of the work, arrived on the Siberia yesterday only to hear of the crime. He was much grieved over the news as Mr. Glennan was one of his most valuable assistants.

"Mr. Glennan was first employed in the survey of the canyon at the Makawell river," said Mr. O'Shaughnessy, "which was very dangerous work and which four or five white men had already vacated. He was a thoroughly good and reliable man, and was promoted until he got charge of this extension. He was also of good habits and character, and his death will be a heavy blow to his father and mother at Redwood City, California. He was 32 years of age and unmarried."

Engineer O'Shaughnessy denies the statement, appearing in the Bulletin, that he had predicted the death of Mr. Glennan before the completion of the work on which the latter was engaged. Mr. O'Shaughnessy states that he has never said anything of the sort and objects to being put in a false position in regard to an event he had no reason. to anticipate and which he has every occasion to deplore.

Mr. O'Shaughnessy further states that Glennan's principal trouble was in keeping rascally Japanese gamblers and worse from the camp and had thus incurred their enmity. These Japs, Mr. O'Shaughnessy says, are a different class from the ordinary plantation Japs, and are vagabonds in many instances.

THE DETAILED STORY. The following is the account written by Mr. Smalley of the murder and the events following it:

"On last Friday evening Mr. Glennan was most foully murdered while in bed He explained that, for the avoidance of asleep by being blown up by dynamita, placed under his bed and ignited by a fuse leading to it from the outside of A motion was made and carried to the tent. The result was horrible in the extreme. He was thrown to the other side of the tent, which was a Jared G. Smith, Director of the Federal total wreck. His left thigh was crush-Experiment Station, regarding appropri- ed and he was otherwise mangled. I arrived in about three or four minutes from an adjoining camp where I had gone to give orders for the next day's work, and carried him from the burning tent, when the cook helped carry him to my room. I then sent the Japa to put out the fire and save the valuable records. They were afraid of further explosions from explosives known or suspected to have been left in the burning tent, so I left him for a few minutes until the fire had been extinguished and I could thus reach the telephone to summon help.

'I could get no answer by 'phone, and as he was unconscious and his plight was desperate, and the five Japs refused to make the trip, being panic stricken. I rode the two miles to the provements made by the licensee shall tool house telephone, to get the doctor. He told me to bring him to Waimea if he still lived and I got the head At any time aften ten years from iuna to send a spring-wagon to the date of execution of license, the Terri- trail he would be carried out by. I made the round trip of four miles of dangerous trail in forty minutes, but he breathed his last just as I returned. having never fully regained consciousness. When I first picked him up, he said. 'Where am I?' and to the best of my belief was almost rational at that moment. I remained there until shall be forfeited if, at any time, any daylight when I had a litter made and the remains carried out to the wagon stipulations, as set forth herein, are road and taken by wagon to Maka-

"I found that morning that the telephone line had been broken about 300 yards from the tent. It showed signs of having been tampered with, and as I had used the line at 6:15 p. m. and Mrs. Omsted had tried to ring me at tor within ten days after the other 8:30 and Mr. Baldwin had tried to get has requested arbitration, the Chief Glennan at 9 p. m., the explosion taking place at 9:30, there seems to me to be conclusive proof that it was cut between 8:15 and 9, even granting that Mrs. O.'s ring was all right, but not noticed by Glennan.

"My horse mysteriously disappeared from Camp 35 while I was there, so I had to walk home after having men out for about fifteen minutes hunting for him, otherwise I would have been at home when it happened.

"I tried all night to hit upon some theory which would bold water and explain the cause of explosion, disregarding the suspicion of foul play. We had received a tin of oil a few days before and I thought it might have been placed under the tent for safekreping and the place set on fire by Mr. G. overturning a lamp which he wheally burned at night, but I found the oil uninjured in another place. I had a number of theories, but when morning came and, I found the fuse and other damning proofs of the diabolical cunning which had been displayed. I could no longer doubt that which I had feared. I set trustworthy (Continued on Page 6)

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FRIDAY : : : : JANUARY 15

A FRUITLESS QUEST.

What is the use of asking the United local conditions? Such an undertaking is not only a waste of time but it gives the authorities at Washington a very inadequate idea of the intelligence and the Americanism of the petitioners

through some of its commercial bodies. to return, for Territorial use, the receipts of the Federal custom house in Hawaii. Ethically speaking, we had a good plea; but legally, economically and politically speaking, we had no ground to stand on. The whole United States looks to the customs for the bulk of its revenue and any port of entry, subject to the American tariff laws, is not a port of a given locality but a port of the United States and must be treated as such. If the precedent were established of giving Hawall the revenue of the custom houses within its borders, then California could rightfully demand the similar revenues of San Francisco, Humboldt Bay, Los Angeles and San Diego, and so on around the Gulf and Atlantic coasts. There can be no special privileges in the American tariff system. unless coupled with some form of alien reciprocity; the national laws must deal with all alike, and this without reference to any local hardships which may have been counted in the price of their benefits.

One fruitless experience in trying to make the Federal tariff statutes partial in their application ought to have been enough; but now we find the Chamber of Commerce memorializing Congress to exempt this Territory from the scope and operation of the navigation laws. Surely the Chamber has not stopped to think, Naturally those interested in foreign ocean steam traffic between here and San Francisco and British Columbia do not like to have their lines deprived of local or "coastwise" traffic which American competing lines are free to enjoy. For this feeling the Advertiser cannot blame them: and it is even ready to admit that this community would be better off if they could have their way. But they can't and the Chamber weakens its influence in asking, in their behalf, for an impossible, and what Congress will regard as an unpatriotic conces-The navigation laws of the United States are a basic part of the national policy of protection which cannot be broken into without destroying the whole system? The laws were designed to protect American shipping from cheap foreign competition; to encourage the building of American meradvantage as they are experiencing in the American coastwise traffic and to induce Americans to compete with them and if possible take their places That being true, Congress is not going to heed complaints, obviously made in the interests of a foreign carrying trade, however much a single American community might be benefited by the

THÈ IAUKEA BOND.

course proposed.

Mr. Isukea's bond is not acceptable to the Supervisors because, although the signers, collectively, are good for many times \$150,000, they have not legally qualified each in double that amount. In an official opinion render-T. Rawlins, it is pointed out that the law requires that each bondsman 'respectively" shall be responsible for "all" funds which may come into the bonded official's hands by virtue of his office. As the largest amount likely to be in the Assessor's keeping at any given time is put at \$150,000, a bond in double that amount is required and. under the law, each surety must pledge himself to make the entire sum good

in case of loss. Hard as this bears on the particular case of Mr. Iaukea it is but fair play to the taxpayers. The laukea bond Hists a large number of people in sums the signers without the Supervisors the seller and when this Territory being aware of the fact. In that event the value of the bond would decrease down to a figure which leaves the planproportionately, but if each one be tations but a slight margin of profit came responsible for the full amount, meeting the property tests, two or three of them might become insolvent without affecting the value of the surety as a whole Public interests require | near Wahlawa, a memorial to Secrestrongest guarantees be provided and here. the wisdom of experience suggests that the responsibility of bondamen for principals be equally shared. Hence the law which Mr Rauling so faithfully interprets. If this law did not exist or if it stood as Mr Inukea chooses to think, an official bonded for \$15,000 might offer a thousand signers at \$10 apiece Such a bond would be unwieldy and unsafe. Nothing like it is contemplated by the Courty Act and the County Act is an instrument of whose sacred and inviolate character Mr. Inukes has borne frequent and eloquent witness

Hanna has Ohlo lined up behind him tike a stone wall. When there is a chance to put an Ohio man into the Presidency, local factions are forgotten and they all turn in Uncle Mark needn't worry about the Bucketes they are for him to the last appetite

A HALL OF RECORDS.

It may be that fireproof halls archives cost a great deal of money in large cities, but that is no reason why there should be a similar extravershoe Hawaii, in contemplating a structure in the back yard of the Ju-dictary building at Honolulu, for the safe preservation of Government records, does not conjure up a massive pile of granite and chilled steel, but ber of Commerce and form the basis of would be satisfied with a very ordinary fireproof storeroom indeed. For exp ample a small building of double brick walls, with a thick iron roof and concrete floor, ventilation arranged without windows, a single door of fron, and the interior of the structure to contain such safes as are now used to hold archives or, if not, iron-sheathed closets-woodwork being everywhere eliminsted-would answer the needs of the Territory very well. Light could or supplied by electrical appliances installed in such a way that wires could not possibly be crossed. Such a building would look well enough for a backyard and if put well away from the Judiciary building would not suffer States to alter a national policy to suit from the burning of the latter edifice.

The Legislature was prodigal enough to appropriate \$75,000 from the loan fund for a Hall of Records enough money to build a hotel. In the Advertiser's opinion \$25,000 of that money The Advertiser felt this when the would build all the Hall of Records community was urging Congress, Hawaii needs, leaving \$50,000 for other purposes. Of course the figure does | the whole country; are not designed not contemplate county offices in connection with the archive department but simply a fireproof storehouse.

> This is an era of economy and here is a chance to prove it.

THE STATE OF COMMERCE.

The official figures of United States commerce for the month of November. and for the eleven months ending with November, show a growth in exports of manufactures, but they do not show the expected increase in exports of iron and steel products. Imports of iron and steel manufactures, however, show a decrease in November, 1903, as compared with November, 1902, though for the entire eleven months the figures of iron and steel imports are slightly in excess of those of last year. Importations of other manufacturers' materials also show a slight decrease in November as compared with November of last year, but a marked increase when the eleven months ending with November are considered in comparison with the corresponding months of last year.

These figures of the commerce of the eleven months would seem to indicate that the total commerce of the United States during the year about to end will be greater than in any preceding up their tobacco leaves into cigars, to year, but that the total exports will fall a few millions below those of 1900. and be about equal to those of 1901. but materially in excess of those of 1902, while the total imports will exceed those of any preceding year, and combined with the exports make the grand total of commerce more than in any earlier year, also that the exports of manufactures will exceed those of 1902 by several millions, but be somewhat below those of the record year, 1900, and perhaps 1901.

THE WORK OF TEACHERS

The Advertiser is glad to see that public interest in the school question, keeps up. In another column we print a strong letter from Mr. E. D. Stone without, however, concurring in of the Territory. his criticisms of the Superintendent of | pressing enough, Heaven knows. But Public Instruction who, like other successful men, may pursue an avocation which might be usefully employed, in without harm to his vocation or to his chasing a will o' the wisp? hantmen; to preserve the home ocean public usefulness under it. With the unlike Porto Rico and the Philippines carrying trade to our own citizens, ir general attitude of Mr. Stone, however, short to put allens at just such a dis- this paper has concurred in advance. Stafes and must bear its full share and it welcomes his concrete illustra- of the burdens in return for its full tion of the fact that teachers have an share of the privileges. It is not easy time under our system as com- within the sphere of colonial or insular pared with the eight, ten and fourteen hours' a day people, who constitute the laws were not framed, originally, for majority of those who labor. Perhaps non-configuous coasts, but they have Mr. Stone credits the teachers with too been made to apply to them not first little work when he times the daily in our case but first in the case of task, Saturdays and Sundays excluded, Alaska. They have stood the tests of at only four hours. The correction of papers prepared by school children to the country they have back of them takes considerable time, in spite of the fact that some of this work is not the United States, the established polaccurately done. It is open to debate lev of economic protection and the whether so many papers are needed, particularly in view of the practice of American affairs. No plea that little sending small girls home to investigate. Hawaii could make in its own behalf and write upon De Soto, Savonarola, could possibly avail against a law so following the route that Stanley took John Milton and the Chinese question ed by the District Attorney, Mr Wm. Such papers as these youngsters must prepare are millstones about the neck of primary education, though where they are required considerable work is supposed to fall on the teacher outside the four hour limit, in reading and cor-, and Territories. recting them. Still, if we put the teachers' actual hard work at five and a half hours daily, with a week of five days and a year minus 165 days we make out a case for Mr. Stone which

Sugar has been again forced down, this time to 3.375. Monday's prices were 3 50 The decline is not normal; it is the arbitrary action of the trust ranging from \$5000 to \$75,000. At any which, when Hawaii is out of the martime misfortune might visit some of ket, lets sugar approach a fair price to employe, a Chicago member of the comes into the market again, forces it

seems unanswerable.

If the Board of Agriculture is favorable to the return to the Territory of the unused 14 000 acre military tract here, might not come amiss. If he could be induced to recommend to Congress such a recession the project would be helped half way to its goal

In all the talk about arms and have preparation in the Far East it is gur prising that so little has been said about the epistolary activity of the hostile powers. The brain work of the belligerents seems to have been as largely employed in writing letters as in doing anything else

The logislative grafters were all o the street testerday smiling like sharks in the expectation of a dead stopping at the Young Hotel and exhorse. They thought they scented an ertra session

ittry going on, Kouel is the Red Light island of the group. It needs a strong infusion of law and wholesomeness to redeem its exit reputation

A EAINBOW CHASING

The views of Mr. Swanzy as to the duty of the Chamber of Commerce and the local press in trying to get for this part of the United States exemption from the operation of laws, which apply to all other parts, are presented elsewhere in this paper. They are not only the opinions of Mr. Swanzy, but they have been adopted by the Chama memorial to Congress. As such, individually and collectively, they are entitled to a fair hearing

Mr. Swanzy's contention is, if we in-

terpret it rightly, that, to find the pot of gold on the end of a rainbow would be a good thing for this community, hence the wisdom of all going in chase of the pot. For ourselves we do not regard such a chase as worth while. Advertiser wants to go after something attainable and would be glad to join the Chamber of Commerce in such a quest-in an effort, for, example, to secure low ocean rates for jourists by pledging to any line or lines that would grant them enough freight busi-

ness to make the venture pay. In treating the proposal by the Chamber of Commerce to seek relief from the operation of the United States navigation laws, this paper conceded the good which the community would get from such a measure. But the laws of the United States are not devised for single communities but for to confer merely local benefits but the greatest good to the greatest number. There are seaboard cities on the mainland which would be the better off commercially for free trade. But for an obstructive tariff, which does so much for manufacturing cities and agricultural regions, the seaboard town would see its wharves lined with whips, its raffroads burdened with imported merchandise, its hotels full and its husiness places thriving. But the Chamber of Commerce of such a city would never think for a moment of asking Congress to exempt the place from the tariff laws. It would know that the proposal could not possibly bring results, other than a derisive speech or two in Congress and some acrid squibs in the the newspapers.

Another illustration. There are some millions of people in the United States, including about two millions in the Tennessee. West Virginia and Carolina mountains, who feel that they are badly treated by the internal revenue laws. They raise corn and tobacco and have very little cash indeed with which to buy store products. They argue that the United States has no right, when they boll a little corn and distill whiskey or when they roll tax them for it, and they could frame a very good plea indeed as to the financial benefit they would get through special exemption from the revenue statutes Rut even they would not ask for such exemption They know that the fiscal laws of the country are made for all alike and they would not respect a newspaper which tried to persuade them that time and money spent in trying to induce Congress to lighten the common burdens in one place and thus increase them in another, would be well-spent.

Coming back to the special Hawaiian requests for an abstement of the Nexigation laws and for the return of the tariff receipts, the Advertiser lines not withhold sympathy from themsbecause of any disregard of the financial needs These needs are what is the use of bending energies Hawaii, is organized as a part of the United concessions True, the Navigation vears; they are of general advantage the enormous shipbuilding interests of sentiment of the dominant party in solidly backed and buttressed. As a colors we could ask for much that is denied us as a Territory as a Terriforv we cannot hope to get anything from Congress the henefits of which are not equally shared by other States

Polling of Democratic members of Congress shows that the choice of the party leaders fluctuates in respect of all candidates for President but Hearst His strength in Congress is the same yesterday, today and tomorrow, which is to say that he has three votes, his own, that of his former employe, Mr. Livernash and that of another late House All the rest of the Democratic leaders, in their blindness, prefer somebody who has earned a nomi-

When the "Maru" steamers go off the trans-Pacific route, it will make a difference in the import business of Booth, Pacific Hardware Co., Kash Co local Japanese merchants. It is doubtful if the Pacific Mail and O. & O. liners, in the event of a Russian blockade would afford much if any relief. They might avoid Japan and do business with the treaty ports of China and with Manile only. Among the possibilities of war in the Orient is a scarcity of Japanese food products here and a higher price for tea.

If the war correspondents don't find return here. Hawaii generally has comething doing

A H. Fleming heads a party of five tourists from Pasadens, Cal, who are pect to see all there is to see in the Islands before returning home.

Norman Halstead, though going into the drug business, retains his agency of the Oldsmobile vehicles.

WHAT TO DO.

The Governor's remark at the close of the meeting yesterday, that Hawaii ought to show that it can manage its own affairs, suggests that a reference of the County Act to Congress would not be the way to begin. Capacity for home rule is not shown in a petition to Congress to mend errors in the enactment of laws of local administration which may be remedied at home. If we desire to show the nation that we are fit for self-government, we must govern ourselves, not run crying to Washington for help when things go amiss in the work of the Legislature. Nor is an ill name for incompetence the only risk we should

take. In a Washington message, Delegate Kuhio is quoted as say-

ing that the members of the committee to whom the County Act was referred had scarcely looked at it when they began to find fault with its provisions. They wanted to amend the act before ratifying it. Their special dislike was excited by what to us is one of the wisest and most necessary provisions of the county law-the anticarpet-bagger clause requiring a residence of three years before holding county and district offices. A man from New Hampshire and another from New Jersey and another from Minnesota, where carpet-baggers are unknown, could not understand such a measure as applied to Hawaii; and men like these in Congress would certainly eliminate it from the body of Hawaiian law if they had the chance. Indeed, we may be sure, if the County Act is fixed over by Congress, that it will be stuffed with provincialisms which not only E. HACKFELD & CO., LTD.—General do not apply to Hawaii but will prove mischievous if not positively evil in their local effects. And to make matters worse we may not be able to get rid of these things without Congressional assent. Let our County Act become quasi-Federal in its authorization and it cannot become wholly local in its development. It will, then be a partnership affair with one of the partners an absentee and not familiar with the field in which the business is being done,

Then what? Does it follow that the present Legislature should be called together to make a new County law? Heaven forbid! If Hawaii wishes to show its capacity for home rule it must not leave anything more to the authors of the late and unlamented County Act-that football of the courts-and to the men who have sur charged the legislative annals of the last two years with their ig norance and venality and are now under Grand Jury inquiry for grave offences. The Advertiser sees but one safe course to take and that is for the good citizens of this Territory to get together and determine to elect an honest and capable Legislature next fall; in the meantime to frame a simple County Act in conformity at al points with the Organic law; to have that Act subjected to the closest legal scrutiny previous to its introduction to the Legislature and in the fall elections to strain every nerve to send the best men we have among us to the Senate and House. Here is a program which, by unity of action can be carried out. It avoids the Scylla of Congress on the one hand and the Charybdis of a conscienceless Legislature on the other. Meanwhile the Territory may run along smoothly, economically and lawfully under such a Government as we have had for the past three years and more.

LOCAL BREVITIES,

(From Wednesday's Daily,)

Dr. Hoffmann has been suddenly called to Hawaii and will return Saturday. Dr. Wood will have charge of his practice in the meantime.

Superintendent Holloway will not make the appointments in the Public Works department until the County Act is decided, as the last a material difference in the situation. He has not yet received a report from the Republican Central Committee on the names submitted.

Principal M. M. Scott has directed the teachers of the High School group to take a plebiscite of parents on the question of whether or not they consider there is too much home work given to the children. Cards for 'voting "yes" or "no" to the question were sent by the hands of the children to

their parents yesterday. S. T. Alexander, the senior member of Alexander & Baldwin, Ltd., who arrived lately from his home in Oakland, Cai, is contemplating a rather ambitious tour It is no less than into darkest Africa to find Livingstone. He will have a retinue of at least twenty-five persons. Mr. Alexander went to Maui last night.

(From Thursday's daily.)

W. G. Cooper, cashier, was added to the board of directors at the annual meeting of the First National Bank of Hawaii.

James W. Lloyd yesterday accepted the position of assistant clerk to Secretary Atkinson. He had the Republican party's endorsement and has the advantage of skill in stenography.

A jolly party of war correspondents from the Siberia who dined at the Young Hotel last evening were Mr. and Mrs. Frederick Palmer, Mr. and Mrs. before evening had replies indicating O. K. Davis, Capt. Lionel James and Percival Phillips.

Assessor Pratt by his attorneys, Robertson & Wilder, has entered appeals! Mr Baldwin is on Kauai and will from the Tax Appeal Court to the Su- come along with Messrs. Wilcox and preme Court in the cases of C. W and Mary Richards.

Memrs, Matthewman and Hemonway are expected to present the decree in the County Act case in the Supreme Court this morning.

Superintendent Holloway, in pursuance of his purpose to close out Kalibi Camp announced several data ago in the Advertiser has notified delinquent terants to pay rents at once or move

Sheriff Brown received a wireless requesting him to arrest a Japanese ans fighting in the Orient, they might named Yosutake on the Mikahala which arrived Wednesday but the man was not found. He was alleged to have over \$1 000 in coin on his person.

Mr Frank L. Hadley who has come to take charge of the manual training propriations has been submitted by department at Oahu College arrived on the Siberia. He is at present busy in setting up benches and in preparing the room and equipment for the work, which will probably begin next week. Definite plans will be announced in a day or two

Senators of Whole Territory Next Monday.

Senators of Oahu were called into consultation with him by the Governor yesterday afternoon, the subject being of course the county government problem. Secretary A. L. C. Atkinson was present at the conference, together with Senators C. L. Crabbe, David Kalauokalani, D. P. R. Isenberg and W. C. Achi.

A caucus of all the members of the Senate who can be brought together, at 9 o'clock next Monday morning, was decided to be called. Mr. Kalauokalani, the Home Rule leader, agreed with the Republican members that it was best to have a caucus of all the Senators who could get here by the Kinau and the Kauai steamers, with those of Oahu, at the time mentioned. Secretary Atkinson issued the call forthwith by wireless telegraph and that a majority of the Solons from the other islands would attend the caucus.

Nakapaahu. Mr. Dickey is on Maui and will accompany Mr. Kaine to town. It is believed that Messrs. Woods, J. Brown and Kachi, if not Mr. Paris also, will manage to catch the Kinau leaving Hilo this afternoon.

At yesterday's conference Mr Crabbe submitted a resolution passed by the Republican county committee the previous evening, asking the Governor to request Congress to ratify the County Act. The discussion of this resulted in a cablegram to Delegate Kuhio asking him to urge Congress to page the County Act enabling bill now pending In the meantime the question of apthe Governor to Attorney General Andrews for an opinion.

To Oily Bill White Scat!

Teddy make room for your Anti.

An Ancient Foe

To health and happiness is Scrotnia-as ugly as ever since time immemorial.

It causes bunches in the neck. distigures the skin, inflames the arricous membrane, wastes the muscles, weakens the bones, reduces the power of resistance to disease and the capacity for recovery, and develops into consumption.

"A bunch appeared on the left side of my neck. It caused great pain, was lanced, and became a running sore. I west into a general decline. I was persuaded to try Hood's Sarsaparilla, and when I had taken air bottles my neck was healed and I have never had any trouble of the kind since MES. K. T. SETDER, Troy, Ohio,

Hood's Sarsaparilla and Pills Will rid you of Scrofula, radically

and permanently, as they have rid thousands.

BUSINESS CARDS.

Commission Agents, Queen St., Hones Julu, H. I.

F. A. SCHAEFER & CO.-Importer and Commission Merchants, Honois-lu, Hawaiian Islands.

LEWERS & COOKE, (Robert Lewers, J. Lowrey, C. M. Cooke,)—Import-ers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Machinery of every descrition made to

HONOLULU STOCK EXCHANGE.

Honolulu, January 14, 1904.

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r_ ,	NAME OF STOCK.	Capital.	Val.	Bid	Aa
t	Mercantile.				
d d	BREWES & Co.,	\$1,000,000	180	4,000.	#1
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METEOROLOGICAL RECORD.

By the Government Survey, Published Every Monday.

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Barometer corrected to \$2 F. and sea. level, and for standard gravity of Lat. 45. This correction is—06 for Honolulu.

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New moon Jan. 17th at 5:15 a. m. times of the tide are taken from the atted States Coast and Geodetic Sur-TRADES.

The tides at Kahului and Rilo occur

eest one hour earlier than at Honodawalian standard time is 10 hours 30 dautes slower than Greenwich time, etag that of the meridian of 157 decome 30 minutes. The time whistle own at 1:30 p. m., which is the same · Greenwich, s bours s minutes. Su of moon are for soon time for the ---

IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by al dealers and druggists. Benson, Smith

& Cot, Ltd., Agents for Hawait.

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SCHOOL FOR SUGAR INDUSTRY AT BRUNSWICK; Established 1872; Subsidized by the Government; Enlarged 1876.—Frequented hitherto by 1222 persons. Commencement of the preparatory course, February 12, of the Principal course, March 1, 1904.

The Direction:

PROP. DR. FRUHLING and DR. A. RUSSING

PUBLIC OPINION IS **AGAINST EXTRA SESSION**

(Continued from page L) culty of obtaining credit in the unsettled state of affairs.

If a special session is called the legislature will be at liberty to act as it pleases, and introduce bills of every variety, not to mention innumerable resolutions which some legislators are already said to be preparing; for in-stance a vote of want of confidence in the Supreme Court, and a few choice ones relative to the Governor and Ke-

Home Rulers who were talked with yesterday say they are willing to bind themselves to pass the county bill and go home when that is done.

W. O. Smith, chairman of the Re-publican Commission which framed the County Act, said it was a good time now "to stop and think." As the speediest remedy he suggested an immediate appeal to Congress, which he considered the surest method of settling the present difficulty. He did not believe the Supreme Court having field the County Act invalid in two different decisions, that the legislature could pass a bill that would stand the test of the courts in view of the limitations of the Organic Act.

Chairman Crabbe, of the Republican Executive Committee, said the com-mittee would meet with the Governor The merchandise tax is this morning. He thought that it would require at least sixty days for the Legislature to pass a new bill.

Curtis Iaukea, chairman of the Home Rule Committee, said the committee was to hold its regular weekly meeting this afternoon at which the question would probably come up. He said that the committee passed a resolution condemning the Hatch mission, but had afterwards reconsidered it, and was willing to have the County Act endorsed by Congress.

Representative Andrade was of the opinion that anything would be better than a special session of the Legisla-

Representative Jonah Kumalae, former Republican leader in the House, now a Home Ruler, said a special session should be called and the members bound to take up only the county bill or the appropriation bills, for which the Governor would call them. He said he would sign such an agreement. "It past.

seems as if we are children and can't pass a county bill," said Kumalae. "Haole and kanaka try it, no can do it, now let Japanese and Pake do it."

ing near by. Representative Harris favored an agreement to deal only with county of laws. legislation before a special session

said a native policeman who was stand-

should be called. Representative Aylett thought that the twenty-three Republicans would bind themselves to pass a County billand then quit. He did not believe the old appropriations could be made to do duty. The idea of a special sessionwith a written agreement to consider only the County bill seems to have been

members of the Legislature. Senator Brown intends to leave this morning on the Siberia for Japan so the benefit of his counsel will be lost to the Senate. He is the only lawyer

in the upper house. It seems to be the general opinion that if a special session is called and a new law passed, a new election will be necessary. Another view is that the legislature can validate the election al-

ready held under the County Act. fered with, provided officers can be obtained who will carry out the law with their salaries a matter of uncertainty. It is said that Treasurer Kepoikal is considering the appointment of Curtis Iaukea as tax assessor to fill the va-

The merchandise tax is pau, which the necessity of testing it. Other li- Bugher vs. Prescott, 23 Fed. 20. But censes are also knocked out. The in- an act relating to county taxation or come tax exemption is lowered again county government could not cover Terto \$1,000 instead of raised to \$1800 as ritorial taxation. No doubt a number provided in the County Act. Taxes of provisions in this Act could be suswill be collected once a year instead of tained, not as parts of the Territorial in June and November as provided in system of taxation but as incidental to the County Act.

The Territorial Board of Institutions was long ago knocked out and with the parts of the Territorial system of taxa-Supervisors out of existence the Superintendent of Public Works again assumes his old duties.

judge and Judge Lindsay will take his such provisions. Lines of demarcation old place. Vida will no longer he able and transfers would have to be made to hold office as road supervisor, as it is an office of the Territory and he as clusion, amendment or repeal so far as a member of the Legislature cannot necessary for the purposes of providing

The famous back clause which it was believed would involve Hawaii in trouble with Japan is also a thing of the

CHANGE IN WHY TOURISTS DO NOT VISIT HAWAII

In view of the unusual scarcity of tourists for this time of year-a state of things which Captain Houdlette of the Sierra says is unprecedented-Col. Macfarlane has written a letter of inquiry to the agent at Los Angeles of various local hotels and the interisland steamship lines. Following are extracts from this communication:

"If you have any suggestions to of-. fer at any time with regard to pushing forward the work of promotion, we shall always be pleased to consider same. You are located right on the spot where the business of attracting tourists has been carried to a very successful issue, and you should therefore be in a position to know how the thing was done there, and what methods were found effective. The stream of wealthy tourists which goes out from all populous centers in the United States seeking where they may be entertained to their liking is an everincreasing one, and the opinion of the writer is that they go for the most part, just where they are influenced We have, 'attractions here which certainly compare favorably with those of most of the tourist resorts, and yet these crowds of people do not come to us in any numbers. They seem to prefer other places. Can you explain it? How did Los Angeles manage to carry out the work of promotion so effectively? Are we adopting the same methods which your people adopted, or are we orditing work the right way."

THE SHERIFFS

Deputy Sheriff Chillingworth may go to Maui today to take over the Sheriff's office. Sheriff Andrews took possession of the Hilo police office immediately upon receipt of the High Sheriff's atery upon receipt of the right sheriff sheets arily fall. If the part re-telegram, and Sheriff Coney was all lating to Territorial taxation could ready in charge on Kausi as county sheriff. Trouble is expected with Sheriff "Oily Bill" White on Maul and Deputy Chillingworth thinks that It will be necessary for him to go over on the steamer today to help Sheriff

Baldwin get possession. anything which they deemed essential? It is urged by some that the steamer fares are too high and the means of transit too infrequent. No doubt it would help us if rates were reduced and greater regularity of service established. These are things which weigh with a certain class, but not with all, as there are crowds going past us to Japan every year, and the various resorts in the Orient are thronged... What we want to do is to ascertain the reasons why these isiands are not attracting the tourist class, and if we have not begun to apply the proper remedy, to find it and apply it without delay. We should be giad to have your ideas on this subject, as well as some expression of opinion as to whether you think our promotion committee are going to

THE COUNTY ACT IS KNOCKED OUT.

HANADA GAZETTE PRIDAY JANUARY 14 1994-SEMANBERLY.

(Continued from page 1.)

the Territorial Board of Public Institutions and provide for a transfer of powers and duties from the Minister of the Interior—not to go into the question whether the subject of a Territorial penitentiary itself could properly be included in the Act or how far the matters of prisons, criminal procedure, sentences, etc., in general might be affected by the failure of the provisions in question); or because they purport to alter can a large majority any more than a laws that cannot be altered at all by the small majority of the Legislature, over-Territorial Legislature, the power to ride the organic law, however, much any alter which is reserved exclusively to particular law or form of law may be Congress by the Organic Act (as, for instance, Sections 171-172, 450-451, relating to the settlement of boundaries and the returns, canvass and certificates of election in the case of Territorial decree appealed from is reversed and an Senators and Representatives-not to consider whether the latter subject could properly be included in a county act at all); or because they violate provisions of the Organic Act or other Acts of Congress relating to the Territories prohibiting special legislation in regard to counties, as, for instance, the proviso of Section I relating to the County of Kalawao, and Section 14 relating to the Supervisors of the County of Oahn. But we will assume for the purposes

of this case either that all such provisions are valid and effective, except so far as held otherwise in the cases above mentioned, or else, that, if invalid or ineffective, they may, important though some of them are, all fall without causing the Act as a whole to fall.

There is, however, one subject that n our opinion, is improperly included in the Act, without the provisions in regard to which it cannot be presumed that the Legislature would have passed the rest of the Act. That is the subject of Territorial taxation—the very means upon which the Territorial government depends for its life." We will assume that the Territorial Board of Equalization might properly be constituted as it is in terms by this Act, notwithstanding the provisions of Section 80 of the Organic Act. Still the subject of Territorial taxation is one that, like the sub ject of the Territorial Board of Public Institutions, cannot be included in the Act, in view of the provisions of Section 45 of the Organic Act relating to titles

The Act makes radical changes in the ystem of Territorial taxation. It may almost be said to provide a new system Among other things, it provides for the equalization of valuations of real property among the several counties, as far as regards the Territorial tax, by a purely Territorial Board. This board also is required to determine the rate of the Territorial tax upon both real and quite generally discussed among the personal property, and in case of its failure to do so, the rate is fixed at five mills on the dollar. Sections 186,

The Act is entitled "An Act Providing

for the Organization and Government of

Counties and Districts, und the Man-

agement and Control of Public Works and Public Institutions nerein." Act relating to taxation or ald cover both Territorial and county taxation. Whether an act relating to Territorial govern ment could properly cover county government, or an act relating to Terri torial taxation could properly cover county taxation might be a questionalthough under an act which according to its title related to state and county revenues, but which contained a section on municipal revenues, the Supreme Court of Tennessee held not only that section but the entire act void. See county government, although they relate more or less to what were previously tion. An act relating to counties created in a fully organized Territory with a centralized government would natural-Judge Dickey again becomes first ly and probably necessarily contain some for the organization and government of counties. But this Act goes much further than this. It provides for most important changes in the system of Territorial taxation, and that, too, with nothing in the title of the Act to indi-

> What is the result? The provisions relating to county and territorial taxation, covering nearly a fourth of the entire Act, are interwoven, and were intended to be parts of a general scheme. If the part relating to county taxation would have to fall with the part relating to Territorial taxation, the counties themselves would be without the greater portion of their contemplated means of rest of the Act could stand, it would be only on the theory that, as to Territorial taxation, previously existing laws would remain in force. There would then be two systems of taxation, each complete in itself, with two sets of officers and other machinery from top to bottom, with double expenses, two returns, assessments, etc., to be made in the case of each tax-payer, the possibility of two valuations by different assessors of boards and two appeals, etc., in each instance, etc., etc. The Territory would also have to collect most of the taxes as fixed by previous laws, sufficient perhaps to support the entire government as it was previously, notwithstanding that the greater part of the expense were to be hereafter borne by the counties. counties would also have to collect the rate which this Act purports to authorize. The people would then be taxed much more heavily than was contemplated or is necessary. In view of the extent to which the intention of the Legislature would be frustrated and inconvenience and hardship would result in case the rest of the Act were allowed to stand without the part relating to new features in Territorial taxation, it cannot be supposed that the Legislature would have passed the rest of the Act in

its present shape. For the court to sustain the rest of the Act under the circumstances would be to assume legis-

lative power. We fully realize that, as we have held in the past, the organic provision relating to titles of laws should be liberally construed, and the court should sustain an act of the Legislature, if possible. But the superior law must control in a clear case of conflict. The court cannot, nor ride the organic law, however, much any

In our opinion the Act in question is void, the respondents are not entitled to the offices which they claim, the appropriate decree in conformity with this opinon may be entered in this

J. A. Matthewman and C. R. Hemenway; for the petitioner.

Kinney, McClanahan & Cooper and S. H. Derby, counsel in another case, argued on the same side, by permission.

A. S. Hartwell, for the respondents.

DEFECTS OF THE COUNTY SYSTEM

Editor Advertiser: Perhaps the decision of the Supreme Court which killed the County Act may prove after all an undisguised blessing. Certainly a very large number of persons so regard it today. It must be a surprise to those who thought the Territory launched on an ocean of universal approval into county government, to hear the comments of nearly all, on the matter. It is safe to say that fourfifths heartily approve of the final result of the work done by the court Many of these favored the new departure when it was proposed. It may be, as claimed, that a very large majority of voters were in favor of tacking another government to what we have. But the discussions in the Legislature, in the papers and on the streets, have opened many eyes and favor has been succeeded by doubt, doubt by apprehension and opposition.

A recent visit to Kona and Kohala developed the fact that country voters too, have been watching the progress of events. Many who openly declared for the county, who possibly could not give any good reasons, except that it is in the line of advance and Americanism, are now with equal openness ranged in opposition. One very intelligent man declared that in another election voters would require pledges from candidates against the county, or they would not get votes. He is not a sugar planter or large land owner, either

The discussions have been a campaign of education and the results are largely against the county. probably not true, as stated by one speaker at the meeting this morning. that the county plank was placed in the platforms of both parties in obedience to an overwhelming demand from the people. It was placed there because of an overwhelming demand by the politicians and they are not necessarily the people. Whether any party will be wiped out that, in the next election, declared against the county. INSPECTORS ON remains to be seen. At present it seems likely that the next election will be carried by the Hawaiian as against the white man; if the actions of such native Republicans as Iaukea and Kumaiae are any criterion.

Generally the politician is a pretty shrewd observer and actor. He seeks to turn public prejudices and feelings to his advantage by careful manipulation. In 1900 the convention in Philadelphia was compelled to yield to popular demand in favor of Roosevelt. So they nominated him, against their wishes, but with much acciamation, to be Vice President. The writer heard several of them remark, that it was safer. He would be harmless in that position, and in 1904 he could be laid aside because he had been honored by the party in 1900 and his claims thus satisfied. Now they are putting forward the name of Hanna to test popular feeling at a time when many are very sore over the far reaching conclusions of the postal frauds investigations, and the large conservative element is shaken by something wrong,

as they imagine, in the Panama affair, In the same way our popular pulse has been tested about county government and it is safe to say that a very large number of our voters, probably all of the conservative thinkers, those who know something of history, now believe that the time has not yet arsubsistence and the entire act would rived to try this new system in Hawall. Iaukea is evidently not willing to trust the matter again to our voters. be separated from the part relating but would place it in Congress where county taxation, then, if the ignorance and perhaps indifference as to our peculiar conditions are the rule, and where a vote in favor of what appears democratic and popular is almost certain. This is especially true and most likely to happen when we must pay the piper and not the constituents of the Congressmen vote. Witness the amendments in favor of universal suffrage, prohibition and other untried and doubtful experiments which were tacked on to the Territorial Act. on its second reading. Have we any assurance that the same thing will not occur when Congress legislates for our county?

Nations and institutions are of slow labor and growth. It took centuries to develop the present forms of Anglo-Saxon government, The United States presents the most artificial of all forms. It has taken many years, not unaccompanied by bitter struggles. to place them where they are. Shall we transplant to Hawali without first preparing the soil? It is safe to say that a majority of our 12,000 voters are totally unfitted for this. Let us go slow, with the end in view of gradually accommodating ourselves to the changed conditions and then adopt the forms as we have accepted the fact of democratic government. W. R. CASTLE.

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ATKINSON HAS AN **OFFICE TALISMAN**

Secretary A. L. C. Atkinson's attention was called yesterday, when he had betrayed a sigh over troubles of office dropping upon his desk, to a talisman in view from where he sat, whereof he had not been aware. This is a Hebraic praver scroll in miniature, enclosed in an iron case, which is attached to an inner side of the doorway leading to the waiting room of the executive chambers. By raising a slide the Hebrew characters come into view through a round aperture. There was another similar amulet on the opposite side, but it was removed some time

These devices, it is learned from Staiistician Buckland, were set up by Mr. Rosenberg, who flourished in Iolani Palace in the eightles as tutor in Semitic investeries to King Kalakaua. He was vulgarly known as "Holy Moses," being personated thus in a roaring tropical farce produced by the Honolulu Amateur Minstrels, composed of such oldtime fun-makers as Harry von Holt, Faxon Bishop, Harry Whitney and others, some of whom long ago left the islands.

Many people will remember the scroll about a mile long, giving in Hebrew a narrative of the world-building process or something of the kind, which King Kalakaua occasionally lent to charity fairs, etc. It was a production of "Holy Moses" greatly prized by the merry monarch among his serious

ALAMEDA TODAY

Collector Stackable received the following letter in vesterday's mail:

Juneau, Alaska, District at San Francisco, Cal., Jan. 6, 1904.

E. R. Stackable, Collector of Customs, Honolulu, Hawaii.

Sir: We beg to inform you that we will leave this port for Honolulu on the 9th inst., per steamer Alameda, for the purpose of inspecting vessels in those waters, and performing any other duties pertaining to our office. Kindly notify any inquirers to this

> GEORGE H. WHITNEY, CARL F. LEHNERS, Local Inspectors.

KUHIO INFORMED **ABOUT COUNTY ACT**

Secretary Atkinson sent the following cablegram yesterday afternoon to Delegate Kalanianaole at Washington: "County Act knocked out by Supreme Court. Recommendations later."

WORK OF THE TRACHERS.

Editor Advertiser: Before we begin to throw Stones at the teachers, may we not consider the subject under discussion and find where the real fault

Let us take up the course of study, ee what is required of the teachers, and estimate whether, when everything is undertaken, it be possible for much to be done.

The teachers are executive officers, and, as such, do not make the laws. They, personally, have little to do with the present system of teaching; it bas been grafted upon our schools from abroad, for if there are theorists and faddists here, they are mild in comparison with some who have visited us. One of the best teachers in town says she considers that Col. Parker did an incalculable amount of barm; others have followed him, some good, some bad." It seems reasonable, then, to criticise the system under which our instructors are working before we discuss them as individuals—the province, surely, of our very efficient Board

of Education. Permit me to differ both from you in rour editorial, and from Mr. Stone in his letter of the 12th inst. The vacations and holidays are arranged primarily for the benefit of the pupils, as you will see if you giamoe over the calendar to which Mr. Stone refers. In the rest of his argument, although !- Philadelphia Press.

PHU. BENEFACTOR

Judge L. A. Dickey Is a Blessing In Disguise.

"Judge Dickey is a public benefactor. He is deserving of every praise, and his action in compelling the Rapid Transit Company to give transfers in Punahou is the most praiseworthy thing I have ever seen. He is the most public spirited citizen I have seen in Hawaii at least since I have returned."

These were a few of the nice things which C. W. Ashford said yesterday in the hearing of his suit against the Rapid Transit Co. for refusing to carry a trailer with him as a passenger beyond the power house, where it was switched off.

Ashford is suing for several hundred dollars for the failure of the street car company to carry him beyond Alapai street, he having refused to leave the empty trailer and take standing room in the car ahead.

Ashford told Judge Lindsay who was hearing the case that he wasn't saying these nice things in order to influence

the court. "No, I suppose you are throwing the bouquets at yourself," suggested D. L.

Withington, the opposing counsel. "How's that," asked Ashford. "Reflected glory," was the suggestive

Ashford in his argument claimed that the only reason he wasn't taken further than the power house was the arbitrary ruling of Manager Ballentyne, that the ear should be switched off at the power house. He said the conductor had no discretion; the car would have been switched off whether it was loaded or not.

Judge Lindsay asked Ashford if he meant that the company had no right to refuse passage if it had the seating capacity. Ashford replied that there was only standing room, and that he didn't intend to join the great majority of American people and allow himself to be trampled on by the great corporations, however, much respect ha had for the Rapid Transit Co.

Mr. Withington contended that the company made no contract to carry Mr. Ashford to his destination on the car, but that he had been distinctly notified by the condutor that car would go only to the barn. The company claimed also that it had a right to make a schedule as it wished; provided it gave a regular service and that it had a perfect right to switch that particular car off at the barn.

Judge Lindsay took the case under advisement.

MR. JUDD BEFORE PROBLEM CLUB

Albert F. Judd gave an address last 'Legal Fascinations and Snares' before the Problem Club, Mr. Owens in the chair. Mr. Judd stated that honest lawyers could be found in any communities to whom people could go to get their affairs settled in a much better way than they could do such legal matters themselves. He explained the different departments of law and showed how the more civilized a people became the more necessity they had for lawyers.

Young, Martin, Stewart, Weedon, Yosh. and Day also spoke. Several questions were asked, such as: "Can a lawyer succeed and tell the

truth?" "Should a lawyer defend a man who

he knows is guilty? Mr. Judd answered these questions by saying lawyers should tell the truth

and most of them did so, and that the guilty should be considered innocent until proven guilty. Mr. Day and others thought that a known guilty rascal should not be defended. Judge L. A. Dickey will speak next Thursday evening on a similar subject.

A BADGE OF STATEHOOD. There were two women standing side

by side at a stall in the Terminal Market resterday awaiting their turn to be served. Each carried a big willow basket on her arm, and as the proprietor finished with one customer one of the women lifted the cover from her basket and said:

"Two quarts of those white onions. niesse. The man looked at her somewhat

stupidly for a moment and then said: Ob, you mean a quarter peck." The woman assented and the other

roman with the basket looked at her curiously for a moment and then asked: "You're from New York or the

Eastern States, aren't you?" "Yes, from New York State," said the other woman.

"I knew it! They always figure by quarts in those States until they get up a full peck, and here, and in New Jersey and Ohio I know, it is all 'quarter peck' and 'half peck.'"

"Isn't it funny," said the other woman. "But were you ever South or in the Washington markets?" "No," said the other, "I never have

been." "Well," said the New York State woman, "that's the most curious of all. Everything goes by 'small measure' and large measure.' It has such a delightfully indefinite sound, like a prise

package or a lottery in which you thay

draw comething big or nothing at all."

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Manager

A FRUITLESS QUEST.

What is the use of asking the United States to alter a national policy to suit from the burning of the latter edifice. local conditions? Such an undertaking is not only a waste of time but it gives the authorities at Washington a very inadequate idea of the intelligence and the Americanism of the petitioners.

The Advertiser felt this when the through some of its commercial bodies. to return, for Territorial use, the receipts of the Federal custom house in Hawaii. Ethically speaking, we had a good plea; but legally, economically and politically speaking, .we had no ground to stand on. The whole United States flooks to the customs for the bulk of its revenue and any port of entry, subject to the American tariff laws, is not a port of a given locality but a port of the United States and must be treated as such. If the precedent were established of giving Hawall the revenue of the custom houses within its borders, then California could rightfully demand the similar revenues of San Francisco, Humboldt Bay, Los Angeles and San Diego, and so on around the Gulf and Atlantic coasts. There can be no special privileges in the American tariff system. unless coupled with some form of alien reciprocity: the national laws must deal with all alike, and this without reference to any local hardships which may have been counted in the price of their benefits. One fruitless experience in trying to

make the Federal tariff statutes partial in their application ought to have been enough; but now we find the Chamber of Commerce memorializing Congress to exempt this Territory from the scope and operation of the navigation laws. Surely the Chamber has not stopped to think. Naturally those interested in foreign ocean steam traffic between here and San Francisco and British Columbia do not like to have their lines deprived of local or "coastwise" traffic which American competing lines are free to enjoy. For this feeling the Advertiser cannot blame them: and it is even ready to admit that this community would be better off if they could have their way. But they can't and the Chamber weakens its influence in asking, in their behalf. for an impossible, and what Congress will regard as an unpatriotic conces-The navigation laws of the United States are a basic part of the national policy of protection which cannot be broken into without destroying the whole system? The laws were designed to protect American shipping from cheap foreign competition; to en-

THÈ IAUKEA BOND.

course proposed.

the interests of a foreign carrying

community might be benefited by the

short to put aliens at just such a dis-

Mr. Iaukea's bond is not acceptable to the Supervisors because, although the signers, collectively, are good for many times \$150,000, they have not legally qualified each in double that amount. In an official opinion rendered by the District Attorney, Mr Wm T. Rawlins, it is pointed out that the law requires that each bondsman 'respectively" shall be responsible for 'all" funds which may come into the bonded official's hands by virtue of his office. As the largest amount likely to be in the Assessor's keeping at any given time is put at \$150,000, a hond in double that amount is required and, under the law, each surety must pledge himself to make the entire sum good in case of loss.

Hard as this bears on the particular case of Mr. Iaukea it is but fair plav to the taxpayers. The laukea bond lists a large number of people in sums it is the arbitrary action of the trust ranging from \$5000 to \$75,000. At any the signers without the Supervisors the seller and when this Territory being aware of the fact. In that event comes into the market again, forces it the value of the bond would decrease down to a figure which leaves the planproportionately, but if each one became responsible for the full amount, meeting the property tests, two or three of them might become insolvent without affecting the value of the surety as a whole Public interests require. in bonding matters, that the very strongest guarantees be provided and the wisdom of experience suggests that the responsibility of bondsmen for principals be equally shared. Hence the law which Mr Rawlins so faithfully interprets. If this law did not exist or if it stood as Mr laukes chooses to think, an official bonded for \$10,000 might offer a thousand signers at \$10 apiece Such a bond would be unwieldy and unsafe. Nothing his it is contemplated by the Court. Act and the County Act is an instrument of whose sacred and inviolate character in doing anything else Mr. laukes has borne frequent and elo-

Hanna has Ohio lined up behind him . tike a stone wall. When there is a chance to put an Obic man into the Presidency, local factions are forgotten and they all turn in Uncle Mark needn't worry about the Buckeyes they are for him to the last appetite

A HALL OF RECORDS.

It may be that fireproof halls of archives cost a great deal of money in large cities, but that is no reason why there should be a similar extravagence Hawail, in contemplating a structure in the back yard of the Judictary building at Honolulu, for the preservation of Government records, does not conjure up a massive pile of granite and chilled steel, but' would be satisfied with a very ordinary fireproof storeroom indeed. For example a small building of double brick walls, with a thick iron roof and concrete floor, ventilation arranged without windows, a single door of iron, and the interior of the structure to contain such safes as are now used to hold archives or, if not, fron-sheathed closets—woodwork being everywhere eliminated-would answer the needs of the Territory very well. Light could be supplied by electrical appliances installed in such a way that wires could not possibly be crossed. Such a building would look well enough for a backyard and if put well away from the Judiciary building would not suffer

The Legislature was prodigal enough to appropriate \$75,000 from the loan fund for a Hall of Records-enough money to build a hotel. In the Advertiser's opinion \$25,000 of that money would build all the Hall of Records community was urging Congress, Hawaii, needs, leaving \$50,000 for other devised for single communities but for purposes. Of course the figure does not contemplate county offices in connection with the archive department but simply a fireproof storehouse.

This is an era of economy and here is a chance to prove it.

THE STATE OF COMMERCE.

The official figures of United States and for the eleven months ending with November, show a growth in exports of manufactures, but they do not show the expected increase in exports of iron and steel products, Imports of iron and steel manufactures, however, show a decrease in November, 1903, as compared with November, 1902, though for the entire eleven months the figures of iron and steel imports are slightly in excess of those of last year. Importations of other manufacturers' materials also show a slight decrease in November as compared with November of last year, but a marked increase when the eleven months ending with November are considered in comparison with the corresponding months of last year.

These figures of the commerce of the eleven months would seem to indicate that the total commerce of the United States during the year about to end will be greater than in any preceding year, but that the total exports will fall a few millions below those of 1900 and be about equal to those of 1901, but materially in excess of those of 1902, while the total imports will exceed those of any preceding year, and combined with the exports make the grand total of commerce more than in any earlier year; also that the exports of manufactures will exceed those of 1902 by several millions, but be somewhat below those of the record year. 1900, and perhaps 1901.

THE WORK OF TEACHERS

The Advertiser is glad to see that public interest in the school question . keeps up. In another column we print a strong letter from Mr. E. D. Stone without, however, concurring in cessful men, may pursue an avocation courage the building of American merwithout harm to his vocation or to his chantmen; to preserve the home ocean carrying trade to our own citizens, in advantage as they are experiencing in and it welcomes his concrete lilustra- of the burdene in return for its full the American coastwise traffic and to tion of the fact that teachers have an share of the privileges. It is not induce Americans to compete with easy time under our system as com- within the sphere of colonial or insular them and if possible take their places. pared with the eight, ten and fourteen concessions. True, the Navigation That being true, Congress is not going to heed complaints, obviously made in trade, however much a single American little work when he times the daily whether so many papers are needed. particularly in view of the practice of and write upon De Soto, Savonarola, John Milton and the Chinese question. Such papers as these youngsters must prepare are milistones about the neck denied us as a Territory as a Territhey are required considerable work is supposed to fall on the teacher outside are not equally shared by other States the four hour limit, in reading and correcting them. Still, if we put the teachers' actual hard work at five and a half hours daily, with a week of five days and a year minus 165 days, we make out a case for Mr. Stone which

this time to 3.375. Monday's prices The decline is not normal; which, when Hawaii is out of the martime misfortune might visit some of ket, lets sugar approach a fair price to tations but a slight margin of profit

seems unanswerable.

If the Board of Agriculture is favorable to the return to the Territory of the unused 14 000 acre military tract near Wahiawa a memorial to Secretary Taft, presented on his arrival here, might not come amiss. If he could be induced to recommend to Congress such a recession the project would be helped half way to its goal

In all the talk about arms and nava preparation in the Far East it is surprising that so little has been said about the epistolars activity of the bostile powers. The brain work of the belligerents seems to have been no largely employed in writing letters as

The logislative grafters were pll othe street testerday emilias like sharks in the expectation of a dead horse. They thought they scented an OTITA POPRIOD

Hirv going on, Knuri is the Red Light all and of the group. It needs a strong infusion of law and wholesomeness to redeem its exil reputation

RAINBOW CHASHIG

The views of Mr. Swanzy as to the duty of the Chamber of Commerce and the local press in trying to get for this part of the United States exemption from the operation of laws, which apply to all other parts, are presented elsewhere in this paper. They are not only the opinions of Mr. Swanzy, but they have been adopted by the Chamber of Commerce and form the basis of a memorial to Congress. individually and collectively, they are entitled to a fair hearing;

Mr. Swanzy's contention is, if we interpret it rightly, that, to find the pot of gold on the end of a rainbow would be a good thing for this community, hence the wisdom of all going in chase of the pot. For ourselves we do not regard such a chase as worth while. Advertiser wants to go after something the Chamber of Commerce in such a quest-in an effort, for, example, to pecure low ocean rates for jourists by pledging to any line or lines that would grant them enough freight business to make the venture pay.

In treating the proposal by the Chamber of Commerce to seek relief from the operation of the United States navigation laws, this paper conceded the good which the community would get from such a measure. But the laws of the United States are not the whole country; are not designed to confer merely local benefits but the greatest good to the greatest number There are seaboard cities on the mainland which would be the better off commercially for free trade. But for an obstructive tariff, which does so much for manufacturing cities and agricultural regions. 'the seaboard town would see its wharves lined with commerce for the month of November ships, its railroads burdened with imported merchandise, its hotels full and its business places thriving. But the Chamber of Commerce of such a city would never think for a moment of saking Congress to exempt the place from the tariff laws. It would know that the proposal could not possibly bring results, other than a derisive speech or two in Congress and some acrid squibs in the the newspapers. Another fllustration.

> some millions of people in the United States, including about two millions in the Tennessee. West Virginia and Carolina mountains, who feel that they are badly treated by the internal reve nue laws. They raise corn and tobacco and have very little cash indeed with which to buy store products They argue that the United States has no right, when they boil a little corn and distill whiskey or when they'roll up their tobacco leaves into cigars, to tax them for it, and they could frame a very good plea indeed as to the financial benefit they would get through special exemption from the revenue statutes. But even they would not ask for such exemption. They know that the fiscal laws of the country are made for all alike and they would not respect a newspaper which tried to persuade them that time and money spent in trying to induce Congress to lighten the common burdens in one place and thus increase them in

another, would be well-spent. Coming back to the special Hawaiian requests for an abatement of the Navigation laws and for the return of the tariff receipts, the Advertiser floca not withhold sympathy from themsbecause of any disregard of the financial needs of the Territory. his criticisms of the Superintendent of pressing enough, Heaven knows. But Public Instruction who, like other suc- , what is the use of bending energies which might be usefully employed, in chading a will o' the widp? public usefulness under it. With the unlike Porto Rico and the Philippines. general attitude of Mr. Stone, however, 'is organized as a part of the United this paper has concurred in advance Stafes and must bear its full share hours' a day people, who constitute the laws were not framed, originally, for majority of those who labor. Perhaps non-contiguous coasts but they have Mr Stone credits the teachers with too been made to apply to them, not first in our case but first in the case of task, Saturdays and Sundays excluded, Alaska. They have stood the tests of at only four hours. The correction of vears; they are of general advantage papers prepared by school children to the country they have back of them takes considerable time, in spite of the the enormous shipbuilding interests of fact that some of this work is not the United States, the established polaccurately done. It is open to debate, icv of exonomic protection and the sentiment of the dominant party in American affairs No plea that little sending small girls home to investigate. Hawaii could make in its own behalf could possibly avail against a law so solidly backed and buttressed colony we could ask for much that is of primary education, though where fore we cannot hope to get anything from Congress the benefits of which

Polling of Democratic members of Congress shows that the choice of the party leaders fluctuates in respect of all candidates for President but Hearst. His strength in Congress is the same Sugar has been again forced down, yesterday, today and tomorrow, which is to say that he has three votes, his own, that of his former employe, Mr. Livernash and that of another late employe, a Chicago member of the House. All the rest of the Democratic leaders, in their blindness, prefer somebody who has earned a nomi-

and Territories.

When the "Maru" steamers go off the trans-Pacific route, it will make a difference in the import business of , local Japanese merchants. It is doubtful if the Pacific Mail and O. & O. liners, in the event of a Russian blockade would afford much if any relief. They might avoid Japan and do business with the treaty ports of China and with Manila only. Among the possibilities of war in the Orient is a scarcity of Japanese food products here and a higher price for tea.

If the war correspondents don't find any fighting in the Orient, they might named Yosutake on the Mikahala return here. Hawaii generally has something doing

A H, Fleming heads a party of five tourists from Pasadena, Cal. who are stopping at the Young Hotel and expect to see all there is to see in the Islands before returning home.

Norman Halstead, though going into the drug business, retains his agency of the Oldsmobile vehicles.

TANK WHAT TO DO. I TO ALL TO SELECT

The Governor's remark at the close of the meeting yesterday, that Hawaii ought to show that it can manage its own affairs, suggests that a reference of the County Act to Congress would not be the way to begin. Capacity for home rule is not shown in a petition to Congress to mend errors in the enactment of laws of local administration which may be remedied at home. If we desire to show the nation that we are fit for self-government, we must govern ourselves, not run crying to Washington for help when things go amiss duces the power of resistance to in the work of the Legislature.

Nor is an ill name for incompetence the only risk we should

take. In a Washington message, Delegate Kuhio is quoted as say-

ing that the members of the committee to whom the County Act

was referred had scarcely looked at it when they began to find fault attainable and would be glad to join with its provisions. They wanted to amend the act before ratifying it. Their special dislike was excited by what to us is one of the wisest and most necessary provisions of the county law-the anticarpet-bagger clause requiring a residence of three years before holding county and district offices. A man from New Hampshire and another from New Jersey and another from Minnesota, where carpet-baggers are unknown, could not understand such a measure as applied to Hawaii; and men like these in Congress would certainly eliminate it from the body of Hawaiian law if they had the chance. Indeed, we may be sure, if the County Act is fixed over by Congress, that it will be stuffed with provincialisms which not only H. HACKFELD & CO. LTD.—General Commission Agents, Queen St., Honodo not apply to Hawaii but will prove mischievous if not positively evil in their local effects. And to make matters worse we may not be able to get rid of these things without Congressional assent. Let

our County Act become quasi-Federal in its authorization and if

cannot become wholly local in its development. It will then be a

partnership affair with one of the partners an absentee and not

familiar with the field in which the business is being done,

Then what? Does it follow that the present Legislature should be called together to make a new County law? Heaven forbid! If Hawaii wishes to show its capacity for home rule it must not leave anything more to the authors of the late and unlamented County Act-that football of the courts-and to the men who have surcharged the legislative annals of the last two years with their ig norance and venality and are now under Grand Jury inquiry fo grave offences. The Advertiser sees but one safe course to take an that is for the good citizens of this Territory to get together and determine to elect an honest and capable Legislature next fall; in the meantime to frame a simple County Act in conformity at al points with the Organic law; to have that Act subjected to th closest legal scrutiny previous to its introduction to the Legislature and in the fall elections to strain every nerve to send the best men we have among us to the Senate and House. Here is a program which, by unity of action can be carried out. It avoids the Scylla of Congress on the one hand and the Charybdis of a conscienceless Legislature on the other. Meanwhile the Territory may run along smoothly, economically and lawfully under such a Government as we have had for the past three years and more.

LOCAL BREVITIES.

(From Wednesday's Daily.)

Dr. Hoffmann has been suddenly called to Hawaii and will return Saturday. Dr. Wood will have charge of his practice in the meantime.

Superintendent Holloway will not make the appointments in the Public Works department until the County Act is decided, as the issue may make a material difference in the situation. He has not yet received a report from the Republican Central Committee on the names submitted.

Principal M. M. Scott has directed the teachers of the High School group to take a plebiscite of parents on the question of whether or not they consider there is too much home work given to the children. Cards for 'voting "yes" or "no" to the guestion were sent by the hands of the children to their parents yesterday.

S. T. Alexander, the senior member of Alexander & Baldwin, Ltd., who arrived lately from his home in Oakland, Cal., is contemplating a rather ambitious tour. It is no less than following the route that Stanley took into darkest Africa to find Livingstone. He will have a retinue of at least twenty-five persons. Mr. Alexander went to Maui last night.

(From Thursday's daily.)

W. G. Cooper, cashier, was added to the board of directors at the annual meeting of the First National Bank of

James W. Lloyd yesterday accepted the position of assistant clerk to Secretary Atkinson. He had the Republican party's endorsement and has the advantage of skill in stenography.

A jolly party of war correspondents from the Siberia who dined at the Young Hotel last evening were Mr. and Mrs. Frederick Palmer, Mr. and Mrs. O. K. Davis, Capt. Lionel James and Percival Phillips.

Assessor Pratt by his attorneys, Robertson & Wilder, has entered appeals Mr. Baldwin is on Kauai and will preme Court in the cases of C. W Booth, Pacific Hardware Co, Kash Co. and Mary Richards.

Mesers. Matthewman and Hemenway are expected to present the decree in the County Act case in the Supreme Court this morning.

Superintendent Holloway, in pursuance of his purpose to close out Kallhi Camp announced several dave ago in the Advertiser, has notified delinquent tenants to pay rents at once or move

Sheriff Brown received a wireless requesting him to arrest a Japanese which arrived Wednerday but the man was not found. He was alleged to have over \$1,000 in coin on his person. Mr Frank L Hadley who has come

to take charge of the manual training department at Oahu College arrived on the S beria. He is at present busy in setting up benches and in preparing the room and equipment for the work, which will probably begin next week. Definite plans will be announced in a day or two

CONVENTI

Senators of Whole Territory Next Monday.

Senators of Oahu were called into consultation with him by the Governor yesterday afternoon, the subject being of course the county government problem. Secretary A. L. C. Atkinson was present at the conference, together with Senators C. L. Crabbe, David Kalauokalani, D. P. R. Isenberg and

A caucus of all the members of the Senate who can be brought together, at 9 o'clock next Monday morning, was decided to be called. Mr. Kalauokalani, the Home Rule leader, agreed with the Republican members that it was best to have a cauous of all the Senators who could get here by the Kinau and the Kauai steamers, with those of Oahu, at the time mentioned. Secretary Atkinson issued the call forthwith by wireless telegraph and before evening had replies indicating that a majority of the Solons from the other islands would attend the caucus.

from the Tax Appeal Court to the Su-, come along with Mesara. Wilcox and Nakapaahu. Mr. Dickey is on Maui and will accompany Mr. Kalue to town. It is believed that Messrs. Woods, J. Brown and Kachi, if not Mr. Paris also, will manage to catch the Kinau leaving Hilo this afternoon.

At yesterday's conference Mr Crabbe submitted a resolution passed by the Republican county committee the previous evening, asking the Governor to request Congress to ratify the County Act. The discussion of this resulted in a cablegram to Delegate Kuhio asking him to urge Congress to page the County Act enabling bill now pending In the meantime the question of appropriations has been submitted by the Governor to Attorney General Andrews for an opinion.

To Oily Bill White Scat!

Teddy make room for your Anti.

An Ancient Foe To health and happiness is Scrot-

ula—as ugly as ever since time immemorial. It causes bunches in the neck, distigures the skin, inflames the mucous membrane, wastes the

muscles, weakens the bones, redisease and the capacity for recovery, and develops into consumption.

"A banch appeared on the left side of my neck. It caused great pain, was lanced, and became a running sure. I west into a general decline. I was persuaded, to try Hood's Sarsaparilia, and when I had taken six bottles my neck was healed and I have never had any trouble of the kind since." MES. K. T. SETDER, Troy, Ohio,

Hood's Sarsaparilla and Pills Will rid you of Scrofula, radically

and permanently, as they have rid thousands.

BUSINESS CARDS.

A. SCHAEFER & CO.—Importers and Commission Merchants, Honolis-iu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, T. J. Lowrey, C. M. Cooke.)—Import-ers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.-Machinery of every descrition made to

HONOLULU STOCK EXCHANGE.

Honolulu, January 14, 1904.

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By the Government Survey, Published Every Monday. BANCH. TREEM. P

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IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds, croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by all dealers and druggists. Benson, Smith & OK, Ltd., Agents for Hawait.

quent witness

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and Choice of Trains

"SHASTA ROUTE"-Oregon Express. "OGDEN ROUTE"-New Overland Limited.

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School for Sugar Industry

SCHOOL FOR SUGAR INDUSTRY AT BRUNSWICK; Established 1872; Subsidized by the Government; Enlarged: 1876.—Frequented hitherto by 1222 persons. Commencement of the preparatory course, February 12, of the Principal course, March 1, 1904.

The Direction:

PROF. DR. FRUHLING and DR. A. RÖSSING

PUBLIC OPINION IS AGAINST EXTRA SESSION

(Continued from page 1.) culty of obtaining credit in the unsettled state of affairs.

If a special session is called the legislature will be at liberty to act as it pleases, and introduce bills of every variety, not to mention innumerable resolutions which some legislators are already said to be preparing; for in-stance a vote of want of confidence in the Supreme Court, and a few choice ones relative to the Governor and Ke-

Home Rulers who were talked with yesterday say they are willing to bind themselves to pass the county bill and go home when that is done.

W. O. Smith, chairman of the Republican Commission which framed the County Act, said it was a good time now "to stop and think." As the speediest remedy he suggested an immediate appeal to Congress, which he considered the surest method of settling the present difficulty. He did not believe the Supreme Court having held the County Act invalid in two different de-Organic Act.

Executive Committee, said the com- cancy in the Oahu office. mittee would meet with the Governor The merchandise tax is pau, this morning. He thought that it will save the Merchants' Association would require at least sixty days for the necessity of testing it. Other lithe Legislature to pass a new bill.

Curtis Taukea, chairman of the Home Rule Committee, said the committee was to hold its regular weekly meeting this afternoon at which the question would probably come up. He said that the committee passed a resolution condemning the Hatch mission, but had afterwards reconsidered it, and was willing to have the County Act endorsed by Congress.

Representative Andrade was of the opinion that anything would be better than a special session of the Legisla-

Representative Jonah Kumalae, former Republican leader in the House, now a Home Ruler, said a special session should be called and the members bound to take up only the county bill or the appropriation bills, for which the he would sign such an agreement. "It past.

WHY TOURISTS DO

NOT VISIT HAWAII

seems as if we are children and can' pass a county bill," said Kumalae. "Haole and kanaka try it, no can do

it, now let Japanese and Pake do it, said a native policeman who was standing near by. Representative Harris favored an

agreement to deal only with county legislation before a special session should be called. Representative Aylett thought that

the twenty-three Republicans would bind themselves to pass a County bill and then quit. He did not believe the old appropriations could be made to do duty. The idea of a special session with a written agreement to consider only the County bill seems to have been quite generally discussed among the members of the Legislature.

Senator Brown intends to leave this morning on the Siberia for Japan so the benefit of his counsel will be lost to the Senate. He is the only lawyer in the upper house.

It seems to be the general opinion that if a special session is called and a new law passed, a new election will be necessary. Another view is that the legislature can validate the election already held under the County Act.

fered with, provided officers can be obcisions, that the legislature could pass tained who will carry out the law with a bill that would stand the test of the their salaries a matter of uncertainty courts in view of the limitations of the It is said that Treasurer Repoikal is considering the appointment of Curtis Chairman Crabbe, of the Republican laukea as tax assessor to fill the va-

> censes are also knocked out. The income tax exemption is lowered again to \$1,000 instead of raised to \$1800 as provided in the County Act. Taxes) will be collected once a year instead of tained, not as parts of the Territorial in June and November as provided in the County Act.

> The Territorial Board of Institutions was long ago knocked out and with the parts of the Territorial system of taxa-Supervisors out of existence the Superintendent of Public Works again assumes his old duties.

> Judge Dickey again becomes first old place. Vida will no longer be able and transfers would have to be made to hold office as road supervisor, as it and this could be done by inclusion, exis an office of the Territory and he as clusion, amendment or repeal so far as a member of the Legislature cannot necessary for the purposes of providing hold the job.

The famous hack clause which it was believed would involve Hawaii in trou-Governor would call them. He said ble with Japan is also a thing of the

CHANGE IN

In view of the unusual scarcity of tourists for this time of year-a state of things which Captain Houdlette of the Sierra says is unprecedented-Col. Macfarlane has written a letter of inquiry to the agent at Los Angeles of various local hotels and the interisland steamship lines. Following are extracts from this communication:

"If you have any suggestions to offer at any time with regard to pushing forward the work of promotion, we shall always be pleased to consider same. You are located right on the spot where the business of attracting tourists has been carried to a very successful issue, and you should therefore be in a position to know how the thing was done there, and what methods were found effective. The stream of wealthy tourists which goes out from all populous centers in the United States seeking where they may be entertained to their liking is an everincreasing one, and the opinion of the writer is that they go for the most part, just where they are influenced to go. We have, attractions here with those of most of the tourist resorts, and yet these crowds of people do not come to us in any numbers. They seem to prefer other places. Can you explain it? How did Los Angeles manage to carry out the work of promotion so effectively? Are we adopting the same methods which your people adopted, or are we omitting work the right way."

THE SHERIFFS

Deputy Sheriff Chillingworth may go to Maui today to take over the Sheriff's office. Sheriff Andrews took possession of the Hilo police office immediately upon receipt of the High Sheriff's telegram, and Sheriff Coney was already in charge on Kausi as county sheriff. Trouble is expected with Sheriff "Oily Bill" White on Maul and Deputy Chillingworth thinks that it will be necessary for him to go over on the steamer today to help Sheriff Baldwin get possession.

****** anything which they deemed essential? It is urged by some that the steamer fares are too high and the means of transit too infrequent. No doubt it would help us if rates were reduced and greater regularity of service established. These are things which weigh with a certain class, but not with all, as there are crowds going past us to Japan every year, and the various resorts in the Orient are thronged. What we want to do is to thorize. The people would then be taxed which certainly compare favorably ascertain the reasons why these Isl-

ands are not attracting the tourist class, and if we have not begun to apply the proper remedy, to find it and apply it without delay. We should be glad to have your ideas on this subject, as well as some expression of opinion as to whether you think our

(Continued from page 1.)

the Territorial Board of Public Institutions and provide for a transfer of powers and duties from the Minister of the Interior—not to go into the question whether the subject of a Tekritorial penitentiary itself could properly be included in the Act or how far the matters of prisons, criminal procedure, sentences, etc., in general might be affected by the failure of the provisions in question); or because they purport to alter laws that cannot be altered at all by the Territorial Legislature, the power to alter which is reserved exclusively to Congress by the Organic Act (as, for instance, Sections 171-172, 450-451, relating to the settlement of boundaries and the returns, canvass and certificates of election in the case of Territorial Senators and Representatives—not to consider whether the latter subject could properly be included in a county act at all); or because they violate provisions of the Organic Act or other Acts of Congress relating to the Territories prohibiting special legislation in regard to counties, as, for instance, the proviso of Section 1 relating to the County of Kalawao, and Section 14 relating to the

Supervisors of the County of Oahn. But we will assume for the purposes of this case either that all such provisions are valid and effective, except so far as held otherwise in the cases above mentioned, or else, that, if invalid or ineffective, they may, important though some of them are, all fall without causing the Act as a whole to fall.

There is, however, one subject that, our opinion, is improperly included in the Act, without the provisions in regard to which it cannot be presumed that the Legislature would have passed the rest of the Act. That is the subject of Territorial taxation—the very means upon which the Territorial government depends for its life. We will assume that the Territorial Board of Equalization might properly be constituted as it is in terms by this Act, notwithstanding the provisions of Section 80 of the Organic Act. Still the subject of Territorial taxation is one that, like the subject of the Territorial Board of Public Institutions, cannot be included in the Act, in view of the provisions of Section 45 of the Organic Act relating to titles of laws.

The Act makes radical changes in the ystem of Territorial taxation. It may almost be said to provide a new system Among other things, it provides for the equalization of valuations of real property among the several counties, as far as regards the Territorial tax, by purely Territorial Board. This board also is required to determine the rate of the Territorial tax upon both real and personal property, and in case of its failure to do so, the rate is fixed at five mills on the dollar. Sections 186, 221, 222. The Act is entitled "An Act Providing

for the Organization and Government of Counties and Districts, and the Management and Control or Public Works and Public Institutions nerein." Act relating to taxation could cover both Territorial and county taxation. Whether an act relating to Territorial government could properly cover county government, or an act relating to Territorial taxation could properly cover county taxation might be a questionalthough under an act which according to its title related to state and county revenues, but which contained a section on municipal revenues, the Supreme Court of Tennessee held not only that Bugher vs. Prescott, 23 Fed. 20. But an act relating to county taxation or county government could not cover Territorial taxation. No doubt a number of provisions in this Act could be sussystem of taxation but as incidental to county government, although they relate more or less to what were previously tion. An act relating to counties created in a fully organized Territory with a centralized government would naturally and probably necessarily contain some judge and Judge Lindsay will take his such provisions. Lines of demarcation for the organization and government of counties. But this Act goes much further than this. It provides for most important changes in the system of Territorial taxation, and that, too, with nothing in the title of the Act to indi-What is the result? The provisions

relating to county and territorial taxation, covering nearly a fourth of the entire Act, are interwoven, and were intended to be parts of a general scheme. If the part relating to county taxation would have to fall with the part relating to Territorial taxation, the counties themselves would be without the greater portion of their contemplated means of subsistence and the entire act would necessarily 'fall. If the part relating to Territorial taxation could only on the theory that, as to Territorial taxation, previously existing laws would remain in force. There would then be two systems of taxation, each complete in itself, with two sets of officers and other machinery from top to bottom, with double expenses, two returns, assessments, etc., to be made in the case of each tax-payer, the possibility of two valuations by different assessors of boards and two appeals, etc., in each instance, etc., etc. The Territory would also have to collect most of the taxes as fixed by previous laws, sufficient perhaps to support the entire government as it was previously, notwithstanding that the greater part of the expense were to be hereafter borne by the counties. counties would also have to collect the which this Act spurports to aumuch more heavily than was contemplated or is necessary. In view of the extent to which the intention of the Legislature would be frustrated and inconvenience and hardship would result in case the rest of the Act were allowed to stand without the part relating to new features in Territorial taxation, it promotion committee are going to cannot be supposed that the Legislature would have passed the rest of the Act in

its present shape. For the court to sustain the rest of the Act under the circumstances would be to assume legislative power.

We fully realize that, as we have held in the past, the organic provision relating to titles of laws should be liberally construed, and the court should sustain an act of the Legislature, if possible. But the superior law must control in a clear case of conflict. The court cannot, nor can a large majority any more than a small majority of the Legislature, override the organic law, however, much any particular law or form of law may be desired.

In our opinion the Act in question is void, the respondents are not entitled to the offices which they claim, the decree appealed from is reversed and an appropriate decree in conformity with this opinon may be entered in this

J. A. Matthewman and C. R. Hemenway, for the petitioner.

Kinney, McClanahan & Cooper and S. H. Derby, counsel in another case, argued on the same side, by permission.

A. S. Hartwell, for the respondents.

DEFECTS OF THE **COUNTY SYSTEM**

Editor Advertiser: Perhaps the decision of the Supreme Court which killed the County Act may prove after all an undisguised blessing. Certainly a very large number of persons so regard it today. It must be a surprise to those who thought the Territory launched on an ocean of universal approval into county government, to hear the comments of nearly all, on the matter. It is safe to say that fourfifths heartily approve of the final resuit of the work done by the court Many of these favored the new departure when it was proposed. It may be, as claimed, that a very large majority of voters were in favor of tacking another government to what we have. But the discussions in the Legislature, in the papers and on the streets, have opened many eyes and favor has been succeeded by doubt, doubt by apprehension and opposition.

A recent visit to Kona and Kohala developed the fact that country voters too, have been watching the progress of events. Many who openly declared for the county, who possibly could not give any good reasons, except that it is in the line of advance and Americanism, are now with equal openness One very intelranged in opposition. ligent man declared that in another election voters would require pleages from candidates against the county, or they would not get votes. not a sugar planter or large, land own er, either.

The discussions have been a campaign of education and the results are largely against the county. It is probably not true, as stated by one speaker at the meeting this morning, that the county plank was placed in the platforms of both parties in obedience to an overwhelming demand from the people. It was placed there because of an overwhelming demand by the politicians and they are not necessarily the people. Whether any party election, declared against the county, remains to be seen. At present it seems likely that the next election will be carried by the Hawaiian as against the white man; if the actions of such native Republicans as Iaukea and Kumalae are any criterion.

Generally the politician is a pretty shrewd observer and actor. He seeks to turn public prejudices and feelings to his advantage by careful manipu lation. In 1900 the convention in Philadelphia was compelled to yield to popular demand in favor of Roosevelt So they nominated him, against their wishes, but with much acclamation, to be Vice President. The writer heard several of them remark, that it was safer. He would be harmless in that position, and in 1904 he could be laid aside because he had been honored by the party in 1900 and his claims thus satisfied. Now they are putting forward the name of Hanna to test popular feeling at a time when many are very sore over the far reaching conclusions of the postal frauds investigations, and the large conservative element is shaken by something wrong, as they imagine, in the Panama affair. In the same way our popular pulse

has been tested about county government and it is safe to say that a very large number of our voters, probably all of the conservative thinkers, those who know something of history, now believe that the time has not yet arrived to try this new system in Hawalf. Iaukea is evidently not willing to trust the matter again to our voters, be separated from the part relating but would place it in Congress where county taxation, then, if the ignorance and perhaps indifference as to rest of the Act could stand, it would be our peculiar conditions are the rule, and where a vote in favor of what appears democratic and popular is almost certain. This is especially true and most likely to happen when we must pay the piper and not the constituents of the Congressmen who vote. Witness the amendments in favor of universal suffrage, prohibition and other untried and doubtful experiments which were tacked on to the Territorial Act, on its second reading. Have we any assurance that the same thing will not occur when Congress

legislates for our county? Nations and institutions are of slow labor and growth. It took centuries to develop the present forms of Anglogovernment. The States presents the most artificial of all forms. It has taken many years, not unaccompanied by bitter struggles. to place them where they are. Shall we transplant to Hawali without first preparing the soil? It is safe to say that a majority of our 12,000 voters are totally unfitted for this. Let us go slaw, with the end in view of gradually accommodating ourselves to the changed conditions and then adopt the forms as we have accepted the fact of democratic government.

W. R. CASTLE.

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ATKINSON HAS AN OFFICE TALISMAN

Secretary A. L. C. Atkinson's attention was called yesterday, when he had betrayed a sigh over troubles of office dropping upon his desk, to a talisman in view from where he sat, whereof he had not been aware. This is a Hebraic prayer scroll in miniature, enclosed in an iron case, which is attached to an inner side of the doorway leading to the waiting room of the executive chambers. By raising a slide the Hebrew characters come into view through a round aperture. There was another similar amulet on the opposite ade, but it was removed some time

These devices, it is learned from Staiistician Buckland, were set up by Mr. Rosenberg, who flourished in Iolani Palace in the eighties as tutor in Semitic mysteries to King Kalakaua. He was vulgarly known as 'Holy Moses," being personated thus in a roaring tropical farce produced by the Honolulu Amateur Minstrels, composed of such oldtime fun-makers as Harry von Holt, Faxon Bishop, Harry Whitney and others, some of whom long ago left the islands.

Many people will remember the scroll about a mile long, giving in Hebrew a narrative of the world-building process or something of the kind, which King Kalakaua occasionally lent to charity fairs, etc. It was a production of "Holy Moses" greatly prized by the merry monarch among his serious

INSPECTORS ON ALAMEDA TODAY

Collector Stackable received the fol-

lowing letter in yesterday's mail:

Juneau, Alaska, District at San Francisco, Cal., Jan. 6, 1904.

E. R. Stackable, Collector of Customs, Honolulu, Hawaii. Sir: We beg to inform you that we

will leave this port for Henolulu on the 9th inst., per steamer Alameda, for the purpose of inspecting vessels in those waters, and performing any other duties pertaining to our office. Kindly notify any inquirers to this

> GEORGE H. WHITNEY, CARL F. LEHNERS, Local Inspectors.

KUHIO INFORMED ABOUT COUNTY ACT

Secretary Atkinson sent the following cablegram yesterday afternoon to Delegate Kalanianaole at Washington: "County Act knocked out by Supreme Court. Recommendations later.

WORK OF THE TEACHERS. Editor Advertiser: Before we begin to throw Stones at the teachers, may we not consider the subject under dis-

Let us take up the course of study, see what is required of the teachers.

cussion and find where the real fault

and estimate whether, when everything is undertaken, it be possible for much to be done. The teachers are executive officers.

and, as such, do not make the laws. They, personally, have little to do with the present system of teaching; it has been grafted upon our schools from abroad, for if there are theorists and faddists here, they are mild in comparison with some who have visited One of the best teachers in town says she considers that Col. Parker did an incalculable amount of barm; others have followed him, some good, some It seems reasonable, then, to criticise the system under which our instructors are working before we discuss them as individuals—the province, surely, of our very efficient Board of Education.

Permit me to differ both from you in your editorial, and from Mr. Stone in his letter of the 13th inst. The vacations and holidays are arranged primarily for the benefit of the pupils, as you will see if you glance over the calendar to which Mr. Stone refera-In the rest of his argument, although

PUBLIC. BENEFACTOR

Judge L. A. Dickey Is a Blessing In Disguise.

"Judge Dickey is a public benefactor. He is deserving of every praise, and his action in compelling the Rapid Transit Company to give transfers in Punahou is the most praiseworthy thing I have ever seen. He is the most public spirited citizen I have seen in Hawaii at least since I have returned."

These were a few of the nice things which C. W. Ashford said yesterday in the hearing of his suit against the Rapid Transit Co. for refusing to carry a trailer with him as a passenger beyond the power house, where it was switched off.

Ashford is suing for several hundred dollars for the failure of the street car company to carry him beyond Alapai street, he having refused to leave the empty trailer and take standing room in the car ahead.

Ashford told Judge Lindsay who was hearing the case that he wasn't saying these nice things in order to influence

"No, I suppose you are throwing the bouquets at yourself," suggested D. L. Withington, the opposing counsel. "How's that," asked Ashford.

"Reflected glory," was the suggestive

Ashford in his argument claimed that the only reason he wasn't taken further than the power house was the arbitrary ruling of Manager Ballentyne, that the car should be switched off at the power house. He said the conductor had no discretion; the car would have been switched off whether it was loaded or not.

Judge Lindsay asked Ashford if he meant that the company had no right to refuse passage if it had the seating capacity. Ashford replied that there was only standing room, and that he didn't intend to join the great majority of American people and allow himself to be trampled on by the great corporations, however, much respect ha had for the Rapid Transit Co.

Mr. Withington contended that the company made no contract to carry Mix Ashford to his destination on the car. but that he had been distinctly notifled by the condutor that car would go only to the barn. The company claimed also that it had a right to make a schedule as it wished, provided it gave a regular service and that it had a perfect right to switch that particular car off at the barn.

Judge Lindsay took the case under advisement.

MR. JUDD BEFORE PROBLEM CLUB

Albert F. Judd gave an address last evening in the Y. M. C. A. rooms on "Legal Fascinations and Snares" before the Problem Club, Mr. Owens in the chair. Mr. Judd stated that honest lawyers could be found in any communities to whom people could go to get their affairs settled in a much better way than they could do such legal matters themselves. He explained the different departments of law and showed how the more civilized a people became the more necessity they had for lawyers.

Young, Martin, Stewart, Weedon, Yosh and Day also spoke. Several questions were asked, such as:

"Can a lawyer succeed and tell the truth?" "Should a lawyer defend a man who he knows is guilty?"

Mr. Judd answered these questions by saying lawyers should tell the truth and most of them did so, and that the guilty should be considered innocent until proven guilty. Mr. Day and others thought that a known guilty rascul should not be defended. Judge L. 🟊 Dickey will speak next Thursday evening on a similar subject.

A BADGE OF STATEHOOD.

There were two women standing side by side at a stall in the Terminal Market yesterday awaiting their turn to be served. Each carried a big willow basket on her arm, and as the proprietor finished with one customer one of the women lifted the cover from her basket and said:

"Two quarts of those white onlone, please.

The man looked at her somewhat stupidly for a moment and then said: 'Oh, you mean a quarter peck." The woman assented and the other

woman with the basket looked at her curiously for a moment and then ask-"You're from New York or the Eastern States, aren't you?

"Yes, from New York State," said the other woman.

"I knew it! They always figure by quarts in those States until they get up a full peck, and here, and in New Jersey and Ohio I know, it is all 'quarter peck' and 'half neck.'

"Isn't it funny," said the other woman. "But were you ever South or in the Washington markets?"

"No," said the other, "I never have been.

"Well," said the New York State woman, "that's the most curious of all Everything goes by 'small measure' and 'large measure.' It has such a delightfully indefinite sound, like a priss package or a lottery in which you may draw something big or nothing at all." -Philadelphia Press.

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THE RAPION. This successful the Continental Hospitals by Riserd. Books, Jobots, Velpsan, and others, combines all the desident of the Continental Hospitals by Riserd. Books, Jobots, Velpsan, and others, combines all the desiderate to be sought in a medicine of the list, and surpanes way thing hitherto employed. The EAPION NO. I mentains its world-manufactured and well-mentaled reputation for derangement of the kidneys, putses in the back, and before allments, effecting prompt raise where the well-tried remedies have been powerless. THERAPION NO. 2 for impurity of the blood, swarp, himples, speen, histophes, pains and eventions. SPECKAPION No 2 for impurity of the blood, wavey, planeles, speed, blotches, pains and swelling to blood, god, recumblem, & all diseases for which is has been too mach a fashion to employ mercury, immension & a., to the destruction of sufferer teach and rain of health. This preparation purifies the batches system through the blood, and thoroughly diseases all poisoness matter from the body. THERAPION NO 8 for exhaustion, sleep-amount, and all distressing consequences of analysistes, worry, everwork, &c. It possesses amounted from the speciality of the principal angulation, worry, everwork, &c. It possesses amprising power in restoring strength and rarer to these sensering from the speciality of the forestead angulation of the sold by the principal amounts and flaresteads they the principal and shaded in ordering chate which of the three numbers is required, and observe that the word "Texaprior" measure on the British Ovversment Statep (is suited between on a rad ground) affixed to every manual package, and observe that the order of He Majesty's Hon.

IMPERIAL LIME KONA ORPHANAGE ONA ORPHANAGE THE CUIV

Kona Orphanage, Kailua, Hawail, January 11, 1904. Editor Advertiser: The following is the report of Kona Orphanage for the month of December, 1903:

Expenditures: Wages, \$28.00; salaries, \$180.00; food, \$83.17; clothing and bedding. \$9.10; furnishings, \$34.99; stock and chicken feed, \$26.99; lights and fuel, \$6.70; improvements, \$124.85. school supplies, \$1.25; incidentals, \$29.80; furniture, \$277.85; total, \$811.85.

Receipts: Mrs. O. M. Packard, New York, \$5.00; William Ellenberg, 50c. Mrs. Helen Sinclair Robinson, Makaweli, Kauai, \$50.00; Mrs. Jane Sinclair Makaweli, Kauai, \$50.00; A Friend, \$5.00; Fourth Grade Kaskopus School, Honolulu, 75c.; Mrs. E. B. Mon-roe, New York, \$24.50; Kamehameha Christian Endeavor Society, \$5.00; Mr. Geo. F. Davies, \$10.00; Room 18, Kaahumanu School; \$4.00; Rose Piko, 50c.; Julia Piko, 50c.; Annie Piko, 50c., Benta Piko, 50c.; Howard Deas, 50c.; Milward Deas, 50c.; money taken in at Orphanage, \$38.75; total, \$196.45. Christmas presents were received

from the following: Kaakopua School, 198 garments, be sides 13 books, 12 pairs of shoes, 11 hats, collars, cuffs, ribbons, neckties, lace, papers and pictures.

Fourth Grade Kaakopua School, 60 balls of popcorn, candy and sweet chocolate enough for all.

Mrs. Sarah Gilman, \$5.00 worth of Mrs. Greenwell, South Kona, 3 boxes of apples, 6 boxes of sweet crackers.

Mrs. Greenwell made a large gift of sweet crackers a year ago, which through a mistake was credited to some one else/ Mrs. Elasion, a box of clothirg and

Mr. and Mrs. P. M. Snodgrass, box

of apples. Mrs. S. N. Castle, 2 boxes of apples. Mr. James Steiner, 25 necktles, shirt waists, 3 pique dress skirts, 3 pairs of shoes, 2 capes, 1 baby dress, 1 boy's waist, 2 boys' suits, 1 undèrshirt,

pairs boys pants. Miss Romana Ferreira, 44 garments, l hat, 2 caps, 2 pairs of shoes, 8 toy books, a doll and set of garden tools, H. Hackfeld & Co., 1221/2 yards of calico, 95 yards of lawn, 30 boys' hats.

4 boys' suits, 37 lbs. of almonds. Mrs. Podmore, 2½ dozen scrap books. LOCAL BELL BOY Castle Home Children, papers.

A Friend, scraps for mending. Miss Belle Johnson, 1 book for library, 2 song books, ¾ dözen Christmas cards, Christmas books for two

Holualoa School, 6 caps, 1 dress. Miss Felker, a picture of Kaahumanu School, a dozen copies of "Maile Lehua," a private mailing card for each of the children for New Year's.

A Friend, a box of oranges. Miss Lohry, a box of candy and a box

Honolulu High School Pupils, 116 garments, 3 spools of cotton, 12 yards of muslin, 5 yards of calico, 4 boys' hats, 4 neckties, 1 book, 2 dozen hand-painted Christmas cards, 1 drawing slate, many papers and marbles, 1 top.

Mrs. Reist, 1 doll, 2 whistles, 1 harp. Mrs. Clemm, 1 box of toys,

Mrs. Ventura, 1 box of toys. Mrs. Benson, 1 box of clothing.

Anna B. Tucker, 6 library books, ½ dozen music books, set of Prang's Shorter Course in Form Study and Drawing, December number of the 'Friend.' A Friend, 61/2 yards of calico.

children received many presents which were sent here last year and stored away till this Christmas, and Santa Claus brought them out and hung them on a tree. They had songs and recitations, and Santa Claus distributed the presents. They were all very happy. Teacher and children join me in thanking all who sent presents.

Our happiness turned into sorrow. Otto Ellenberg, who has been here nearly two years, and who had been sick for some time before Christmas, took his bed Christmas day. He was very ill until the 29th at 2 o'clock, at which time he died. We buried him in the Episcopal graveyard at South Kona,

We are in need of money for next month. Have but \$3 65 in the treasury at present. Money for the Orphanage may be deposited at the banking house of Bishop & Co.

ALICE F. BEARD, Manager Kona Orphanage.

FORESTER HOSMER **ARRIVES IN TOWN**

Ralph S. Hosmer, the Territorial forester, arrived from Washington in the steamer Siberia and registered at the Alexander Young Hotel. He is engaged by the Board of Agriculture and Forestry, on the recommendation of Gifford Pinchot, chief of the Bureau of For-Department of Agriculture, Washington, to take full charge of the forestry division of the Board.

When W. A. Hall, the expert forester, was here last year to inspect and report on the forests of Hawaii for the Federal bureau, a request was forwarded through him for the nomination of a competent superintendent of forestry for the Territory Different names were sent back and Mr. Howner became the choice with the recommendation of Chief Pinchot as stated. While preserving his connection with the United States civil service, he is in the pay of the Territory.

Mr Hosmer's arrival has been eager. ly awaited by the Board, forestry work having been held in abevance ever since his acceptance was received. The reforesting of waste places and the conservation and improvement of existing forests, it is anticipated will now proceed upon a scientific basis and produce a gratifying transformation of Hawaiian landscapes before many years

Arguments on new points requested by Judge Dole arising in the demurrer of Solomon Meheula to the Indictment for destroying public records was deferred yesterday owing to the absence of defendant's connect

BIG CALLER

Best Advantage Will Be Taken of Secretary Taft's Visit.

The opportunity of bringing Hawali into closer touch with the Federal administration, through one of the highest executive channels incidentally coming in contact with the Territorial soil, which offers in the approaching visit of the new Secretary of War is fully appreciated by Governor Carter. Secretary Taft, on arrival in the steamer Korea on Saturday, will be welcomed with a serenade by the Territorial band conducted by Captain Berger. As already reported the Governor has advanced an invitation to the retiring Governor of the Philippines, as an old friend as well as a brother official, to be his home table guest when he arrives.

In the limited time at disposal, it can hardly be expected that Secretary Taft can look into much, specially, beyond the military interests of the Federal Government here. Yet so trained an observer will no doubt take in a great deal, as it were, at a glance pertaining to the great commercial possibilities of Honolulu and what they require of Federal aid for their proper develop-

It is possible that Secretary Taft will be approached on the subject-a while ago very live but latterly somewhat dormant under the retrenchment blanket-of having a company of the Hawailan National Guard sent to the St. Louis Exposition. If broached to the Secretary of War elect, it will be with the idea of having the expedition carried out at Federal expense. Something may also be said about the reconveyance, for agricultural purposes, of the unused 14,000 acre reservation adjoining Wahlawa

HEIR TO FORTUNE

SAN FRANCISCO, Jan. 7.-R. F. Johnson, Mayor of Monterey, and his wife were purged of contempt by the secured by Dr. J. F. Christal, the boy's father, was dismissed.

Leo Christal left his father's home in Santa Cruz last February and went visit his uncle, Mayor Johnson, at Monterey. Subsequently he left Mon-The father claimed that the Johnsons had practically abducted his son and sought the aid of the courts to have his child restored to him.

It was alleged that the uncle, antici-Court early in June, 1903.

The dismissal was signed by all the Justices with the exception of Chief Justice Beatty.

SANTA CRUZ, Jan. 6-Leo Christal a son of Dr. J. F. Christal, left Honolulu recently as an attache of the Sanford theatrical company bound for Australia. Young Christal was for six weeks employed as bell boy in a Honolulu hotel, but lost his position. He and his sister, Anita Christal, are heirs to \$200,000 left by their grandfather. A big sensation was caused a few months ago, when the boy was supposed to have been spirited away from his father and shipped on a schooner to Honolulu.

CONGRESS MAY **AMEND COUNTY ACT**

WASHINGTON, Dec. 28.-It is intimated by those closely in touch with the committee of Congress having in hand the County Act for the Territory of Hawali, that some of the members do not like the bill on account of section 46, Chapter II, which they say is un-American. The section, under the caption of Qualifications, reads.

"No person shall be eligible in a County or District office unless of the age of 21 years, a citizen of the Territory, and an elector of the county or district in which the duties of the office are to be exercised, and a resident therein for three years immediately preceding such election, and ro person shall hereafter be eligible to the office of District Attorney who shall not have been admitted to practice in the Supreme Court of the Territory of Hawai!"

Kausi Bugar.

Purcer Wright of the Mikahala, which arrived from Kauai yesterday morning, reports the ship Henry Villard arriving at Eleele January 11 The schooner Kailua had finished discharging her coal cargo at Eleule, and expects to sail January 15. He reports the following sugar on Kauai ready for shipment Mak, 9700 hage, G. & R. 1,322, McB, 15. 000 K. P., 2475, H. M., 1,440, L. P., 3.345 H S Co. 881 bage

The Mikahala's cargo comprised 4,200 bage K S M and 600 bage V K sugar, 100 hage rice, 70 hage rice bran, 54 empty barrels if barrels bottles, 12 bags bottles, 7 barrels poi, 40 bags taro and 35 packages sundries

THE DRINK QUESTION.

The falsehood and the frequent meeting of extremes have been incorporated into aphorisms. It is almost, if not quite, universally true that accurate judgment of rights or remedies is the expression of what the French graphically call the "juste milieu" or a middle position between radically conflicting views. Lord Falkland, one of the great statesmen of the seventeenth century, said that a man who was capable of unerring reasoning and balanced conclusions, at one time or another in his career, would differ from almost every faction in existence. This has been forcibly proved by the history of the Democratic party in the United States) which, for the greater part of a century, from the premises it adopted, had a definite opinion upon the proper mode of interpreting and applying our political institutions, but, when W. J. Bryan and the St. Louis and Chicago platforms undertook the task of grafting European socialism and democracy upon the fundamental creed of the party, its best thinkers, its wisest statesmen, and the fundamental creed of the party, its best thinkers, its wisest statesmen, and its soundest followers were thrown out of the organization and have mostly taken up their quarters, provisionally or permanently, in the Republican fold.

Extreme views on the drink question, sometimes incorporated into legislation, and lacking the element of proper discrimination, have retarded a reform, which has nevertheless, under the pressure of modern civilization, irregularly proceeded. There is a strong opposition in the modern world to sumptuary legislation, which undertakes to control individual tastes. In London, for example, many years ago, a crusade against the bakers arose from the alleged discovery that they used gin in leavening bread. One enterprising baker started a shop in the heart of the city and put up a sign: "Bread sold here with the gin in it." He made a fortune in a short time. Prohibitory legislation, and even local option, in the United States have excited vigorous antagonism.

There is an easy and practical way of considering the drink question in this Republic. Whenever the effects of drink reach and hurt the public or whenever, through drink, a man has lost his will-power and is unfit to govern himself, the law can and should interfere. Total abstinence, however, cannot be legally enforced. There are whole nations, in which wine is regarded as food and taken with every meal. The large majority of persons in the United States, and everywhere else, who drink wines and even stronger liquors, are not drunkards, and their indularment produced as a proposition of the mealure of the mealu and their indulgences produce no appreciable effect upon themselves or the com-

munity. If this were not true, the earth would be a pandemonium in six months. That drink, however, is taken to excess by a large number of people is beyond doubt. Those who use malt, vinous and more heavily charged alcoholic liquors can be distinctly classified. One class has been already mentioned. A great many men and women, who show no conspicuous signs of alcoholism, nevertheless drink too much and both injure themselves and hold up bad examples. Others, who do not become apparently intoxicated, are nevertheless so completely saturated with strong drink that their controlling organs, the stomach, the heart, the lungs, the liver, are affected, and they frequently die from inanition, from fatty degeneration or other organic lesions of the most vital function, from consumption or from cirrhosis. These, of course, are not the only diseases that excessive drinking causes, but they are prominent examples. The nervous system is often broken down, and paresis and various kinds of brain trouble are traceable to the same habit.

The types so far noted all are, or may be, consistent with formal obedience to external law, with an outward observance of conventionalism, with the exercise of business capacity and with home life of some degree of propriety. It is rarely, however, that the line of moderation is over-stepped without either exerting a fatal influence or producing secreted misery in the family. Men and women, and even little children, endure poignant grief and restrained agony, of which society or the public is wholly ignorant, except when some tragedy lights up the lurid darkness of the domestic circle. But these are not the worst illustrations of the excessive use of stimulants. In every community there are habitual drunkards, with no will power and bare scintillations of moral consciousness, who are brutalized in their persons, offensive and dangerous to their families and neighbors, and a constant eyesore to the public. There are also many individuals, not unknown in the higher walks of life, who are clean, decorous, industrious and useful for months or years together, but, either irregularly or at periodical intervals; break into the wildest debauches, ranging from a few days or weeks to months, in which their whole natures and habits seem to be changed, so that, unless they have the instincts and the means of isolation, or in the rare instances where their bestiality is held within the grasp of silence and inertness, they are transformed into unrestrained monsters, whose consciences are senseless and whose actions revolt-the inner decencies of mankind. In this last class, unless arrested in their downward march by a great disaster or by a sudden irruption of the divine element, the periods of sobriety become further and further apart, until at last the righteous Doctor Jekyll loses his personality in the Satanic Mr. Hyde. It is chiefly in the two last types of immoderates that delirium tremens

or the specific disease known as dipsomania is most conspicuously displayed.

Throughout any possible classification of drinkers, who overstep the limits of intelligent, educated and clean humanity, one broad line of demarcation is plain wife were purged of contempt by the Supreme Court yesterday in the matter of the disappearance of Leo J. Christal. The temporary writ of habeas corpus question is moral. A man, capable of intellectual action and possessing even the germ of spirituality, who is conscious that one drink will overcome his morality, always can, if he will, let the tempting glass fall from between his fingers. Men or women, who are not steeped in the habit of intoxication, are conscious of their own limitations and, if they choose, are able to restrain themselves. Many men and many women have become total abstainers for the sake of others. men and many women have become total abstainers for the sake of others. It is in this phase of the question that personal, social and religious influence has been in this phase of the question that personal, social and religious influence has been terey and went to Honolulu, where he and is most useful. If individuals remain within proper limits and acknowledge obligations outside of themselves, if society, without diminishing but actually increasing its facilities, insists upon sobriety, and to that extent co-operates with the churches and with such world searching bodies as the Salvation Army and the Christian Endeavorers, the gradual climination of the practice of drink repletion will go on, until a just equilibrium will be made permanent. Another important agency in this direction would be the effective suppression of adulterapating the issuance of a writ of habeas toon, which ought to be punished as a felony.

Corpus, had caused the boy to flee to Where the will is insensible and appetite has become supreme, the State

Honolulu. It was alleged on the other should and must interfere. A confirmed inebriate, if he has property left, should side that the boy left home of his own be quickly protected by a guardian, selected by the law to conserve and not accord because of dislike for his to waste or plunder his estate, and his body should be taken in charge placed estate, and his body should be taken in charge, placed father. Johnson and his wife were in seclusion, and subjected to treatment that, in a majority of cases, would cited for contempt of the Supreme restore its soundness, and, with that, mental power and conscientiousness. There can be no successful compromise with this stage of drunkenness. Sufficient force must be employed to cut off stimulants, efficient medical attention to aid Nature in the work of restoration, and these processes continued until the perceptible danger of relapse has passed. The number of cures of inebriates that have been effected in private and public institutions, into which quackers cannot enter, and where the highest scientific knowledge, combined with appreciation of human weaknesses, is applied, is so great that, if the percentage were worked out into figures, it would surprise even pessimistic reformers.

When the whole drink question is considered in all its aspects, and without ignoring its collateral results in positive crime, in degradation and in individual unhappiness, it will be found that the most successful antidotes to the vice are example and moral suasion, backed by definite religious convictions. In the sphere of legislation, where it justly applies, much has been done and much remains to be done. The Bible, in which the vast majority of civilized mankind at ,35 and pointed out two men who, it least profess to believe, is absolutely consistent in its treatment of the question. It does not condemn but prescribes the use of wine, or other stimulants, in occasional aid of digestion or even to promote merriment in the heart. When Peter was told that nothing that God had made was common or unclean, but all things were designed for the use of man, when Bishop Timothy was instructed to use a little wine for his stomach's sake, and when, in many places, the moderate enjoyment of all things in existence was recommended, man was treated as a reasonable and a social being, capable of self-restrainf and even of asceticism when desirable for the sake of his fellows. But, against every form of excess, the Biblical anathemas are the texts of every lecturer against intemperance. respective texts, when combined, supply an exact rule for life, the literal ac-The curacy of which science and experience alike recognize. Reason and conscience are the dominant factors in all true reforms.

There is too much indulgence in drink in some parts of our territorial population, which is decimating the yielding victims in one race at least, in which the entire American people are deeply interested. The city of Honolulu is open enough already. If it were "wide-open," our staid citizens would be shocked at the result. Moderation, and in many instances complete abstention from stimulants is a necessity in the tropics.

OLD SHERIFFS ARE RECALLED

Acting under instructions from Sec retary Atkinson, High Sheriff Brown yesterday afternoon sent wireless messages to all the former sheriffs and deputy sheriffs in office before the County Act displaced them, instructing them to again take over their offices and report to him as before.

Governor Cartor gave orders, shortly after the Supreme Court decision was filed, for High Sheriff Brown to assume his former powers, taking charge of all Territorial and "county" prisoners, and reappointing deputy sheriffs. The matter was brought up at a conference of Governor Carter and Secretary Atkinson with United States District Attorney Breckons, W O Smith and L A. Thurston It was decided by the Governor that the Territory must some-diately sasume turisdiction in all police of prisoners, so as to prevent jail deliteries

will release sheriffs" were elected, other than the Agents for Hawail.

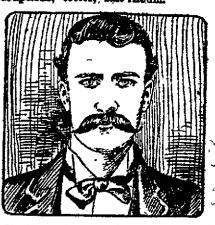
former incumbents, there will be trouble in making the change. Territorial Tax Assessor and Collec-

tor Pratt also sent wireless messages to deputy collectors on the other islands. He wired Treasurer Kepolkai yesterday asking if he would not guarantee the payment of the necessary tax blanks out of the treasury incidentals or other funds so that the tax returns can be made this month. ABOUT COLDS.-In all countries

and among all nations of the globe, cough medicines are used and used probably more extensively than any other one class of medicines Every human being is subject to throat and lung troubles, which may terminate his existence. People everywhere realize the dangerous consequences of a neglected cold, for the majority of fatalities have their origin in and are characterized first by a simple cold. The more careful and prudent persons do not permit a cold to run its course, but treat it promptly. For many years matters, involving the proper guarding Chamberlain's Cough Remedy has been in use throughout the United States and many other countries and time has The High Sheriff's messages went to proven it to be the best adapted of Sheriffs Andrews at Hilo, Baldwin at any remedy yet made for all throat Maui and Coney at Kausi This order and lung diseases, and especially "Sheriff Bill White of coughs, colds, croup and whooping Maul, and "Sheriffs" Keolanui and Ka-cough. It always cures and cures manoha of West Hawali It is believed quickly For sale by all dealers and that in these districts where "county druggists. Benson, Smith & Co., Lad.,

A Bad Skin

will see it is full of blood, full all the time. But what kind of blood? Rich and pure? Or thin and impure? Pure blood makes the skin clear, smooth, healthy. Impure blood covers the skin with pimples, sores, boils, eczema, eruptions, tetter, salt-rheum.



ends his photograph and tells what cured him, "When a boy my skin broke out in bad sores about my hands. After trying a great man remedies in vain, I took Ayer's Sarsaparilla and was quickly cured. Recently I was troubled again with favere boils, but one bot-tie of the same old remedy completely cured. me. It's the greatest blood-purifying medi-cine in the world."

AYER'S Sarsaparılla

There are many imitation "Sarmaparillas."

Be sure you get Ayer's.

Aid the Sarsaparilla by keeping your howels in good condition with Ayer's Pills. Preserved by Dr. J. G. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO. Agant

HONUAPO MILL HAS STOPPED

The Mauna Loa arrived yesterday morning from her usual ports in Kau, Kona and Maui., Purser Conkling makes the following report of the trip: "During the past ten days there has been plenty of rain in Kau. Pabela has finished grinding the 1903 crop and has started on the 1904 cane, making about sixty tons of sugar a day. Honuapo mill has been closed for lack of ripe cane.

"The weather was rough on the outward trip along Kona. It was also rough at Kau. Returning we experienced moderate weather in the Hawaii channel, changing to rain and stiff northerly wind along Maui and Molokai. Thence to port heavy swell and

(Continued from Page 3.)

guards and not a soul was allowed near the tent until Mr. Rankin and Mr. Weston arrived at 9 o'clock. They carefully examined all that was to be seen and at 1:30 two police officers arrived who said that the sheriff was not coming up and had sent them to look at the scene and have evidence and witnesses brought down. We then took the papers and ditch records and stored them in my tent and I rounded up the witnesses and started them down. Half way down we met another officer who said that Mr. Coney and Mr. Rice were half way up on another road. Mr. Weston and myself hurried back and found the sheriff and deputy there. After giving them all the information we possessed I went with them to Camp seemed to me, from circumstances which I explained to the sheriff, might reasonably be suspected of having some knowledge of the affair. These two men were arrested the following day. Whether some evidence has appeared against them I do not know.

"The coroner's jury this morning returned a verdict that death was caused by an explosion of dynamite placed under his bed and ignited by a person or persons unknown.

"The motive was revenge and in my opinion the guilty parties will soon be brought to justice."

Mr. Smalley writes further that the camp is to be changed but he proposes to stay with the work until the end. Mr. Glennan carried an insurance policy for \$2000 on his life.

U. S. G. WHITE LOSES INCREASED PAY

The United States Supreme Court today affirmed the decision of the Court of Claims refusing to grant increased pay to Ulysses S. G. White, a civil engineer in the navy, under the Navy Personnel act of 1899. Mr. White was appointed in 1887. He contended that he had reached the maximum rate of pay in the army by reason of five years' service before entering the navy, and that he was entitled to a higher rate for the time of his entire naval service. The court held otherwise, however, on the ground that the operation of the law is prospective and not retrospective. This was a test case.-N. Y. Tribune.

IN AMERICA Chamberlain's Cough Remedy is a great favorite with the mothers of small children for colds, croup and whooping cough. It contains no harmful substance and always gives prompt relief. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawait.

parintil Rights Life Instigate co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the nost favorable terms. For particulars apply at the office of '

F. A. SCHAEFER & CO., Agts.

German Lloyd Marine Insur'ee Co OF BERLIN. Fortuna General Insurance C OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorised to take risks against the dangers of the seat at the most reasonable rates and on the most favorable

> F. A. SCHAEFER & CO., General Agents.

Seneral Insurance Co. for Ses River and Land Transport. of Dresden

Having established an agency at Howolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms. F. A. SCHAEFER & CC.

Agents for the Hawaiian Islands.

"The Overland Limited"

ELECTRIC LIGHTED

California

To the EAST via

This Train is really a First-Class Modern Hotel

with Handsome Pariors, Drawing Rooms, Bed Chambers, Boudoirs, Lifraries, Smoking and Reading Rooms, Barber Shops, Bath Rooms (hot and cold water), superbly appointed Dining Rooms, glittering with Mirrors, Cut Glass, Fragrant Flowers, Electric Candelabra, etc.; Promenades, Observation Rooms, Electric Lights, Electric Fans, Telephones, Electric Reading Lamps, Perfect Heat, etc.

Full Information Cheerfully Furnished

on Application to S. F. BOOTH,

General Agent.

1 Montgomery St , San Francisco . . OB . .

E. L. Lomax, G. P. & T. A. Omaha. Neb.

USEFUL YOUNG MAN COMES TO HIS END

Vincent Fernandez died at his home in Kalihi yesterday morning, shortly after having been carried ashore from the steamer Mauna Loa. He had been in a decline for about a year past and went to Kona, Hawali, about six weeks ago with hope of benefit from the salubrious climate of that district. It was all too late for him, and he came home to die. There was difficulty, indeed, in keeping up his vitality on board the steamer so that he might reach Honolulu alive.

The dead young man was an industrious and thrifty Hawaiian, belonging to a family of the same characteristics, which makes his removal in early life a loss to the community. He was born in Honolulu some thirty-three years ago of a Hawaiian mother, his father, now dead a good many years, having been a retired veteran of the British army in the Far East who, in honorable business here, did well for himself and his family. Besides a wife, Vincent Fernandez leaves a sister and three brothers, the eldest of the latter being Abraham Fernandez, for years manager of the Hawalian Hardware Co. For the past eight years the subject of this obituary has been employed by A. V. Gear as a clerk. He revealed an aptitude for business and always evinced an unstudied politeness that made people like him.

He made an exceptionally snug home for himself at Kalihi, from whence the funeral will take place, to Kalihi cemetery, at 3 o'clock this afternoon.

PNEUMONIA always results from a cold or an attack of influenza. Chamberiain's Cough Remedy quickly cures these aliments and counteracts any tendency toward pneumonia. It is made especially for these and similar allments and can always be depended upon. For sale by all dealers and drug-Benson, Smith & Co., Ltd., Agents for Hawail.

Sale To Liquidate Copartnership of Puuloa Sheep and Stock Ranch Company.

The copartnership known as the Puuloa Sheep and Stock Ranch Company, composed of George W. Macfarlane, E. C. Macfarlane and Henry R. Macfarlane, having been dissolved by the death of E. C. Macfarlane, February 16th, 1902, for the purpose of finally liquidating and closing the said copartnership with the consent of the survivors thereof, the undersigned, George W. Macfarlane, Fred W. Macfariane and Henry R. Macfarlane, executors, and Florence B. Macfarlane. executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, duly appointed, qualified and acting, having filed a certain verified petition ons; in the matter of the said Estate of E. C. Macfariane, deceased, in the Circuit Sheep and Stock Ranch. Court in and for the First Judicial Circuit of the Territory of Hawaii, in which the matter of the said estate then was and now is pending, before the Honorable George D. Gear, Second Judge of said Circuit Court, sitting at Chambers, and made returnable before the said Honorable George D. Gear, as said Judge, on Monday, November 16th, 1903, at 10 o'clock a. m. of that day, and the said petition having been duly heard and granted by said Honorable George D. Gear, as said Judge, on the date last aforesaid, and the said Honorable George D. Gear, on November 24th, 1903, having duly signed an order, judgment and decree granting the prayer of said petition, and, on December 1st, A. D. 1903, having also signed an order modifying and amending the said order, decree and judgment, as by reference to the said petition and orders, on file in said Circuit Court, and to all the proceedings relative thereto, will more fully and at large appear. Now therefore: Under the law and

the proceedings and each of them aforesaid, for the purpose of finally The Union Pacific ship aforesaid, and in conformity with the order, judgment and decree aforesaid, to which the survivors of the said copartnership, George W. Macfarlane and Henry R. Macfarlane have consented in writing, as by the petition aforesaid fully appears, the undersigned, George W. Macfarlane and Henry R. Macfarlane, survivors of the said copartnership, as said survivors, and the undersigned, George W. Macfarlane, Fred W. Macfarlane and Henry R. Maciarlane, executors, and Florence B. Macfarlane, executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, will offer for sale and will sell as a whole, at public auction, through James F. Morgan, auctioneer, hereby chosen and designated for that purpose, at the auction sales rooms of said James F. Morgan, Nos. \$47-857 Keahumanu street, in the city of Honolulu, Island of Oahu, Territory of Hawaii, on Saturday, January 9th, 1904, at the hour of 12 o'clock M. of that day, to the highest bidder, beyond or for the sum of twenty thou-RUNS EVERY DAY IN THE YEAR sand dollars, the entire property. assets, and goodwill of the said Puuloa Sheep and Stock Ranch Company.

consisting of the following, viz: DESCRIPTION OF PROPERTY.

List of Freehold and Leasehold Lands and Improvements, Sheep and other Live Stock and Property owned by the Puuloa Sheep and Stock Ranch Company, viz:

FREEHOLD LANDS. LAND OF OULL Ahupusa, contain-

ng 4,000 acres, more or less, and extending from the sea, near Kawaihae, to the top of the Kohala range of mountains, with a stream of water running through same, said stream having its origin in those mountains. LAND AT LIHUE, in Waimes, the former homestead of James Luzada and Frank Spencer, and formerly the headquarters of the Lihue Cattle Ranch and Beef Packing Establishment, adjoining the land of Ouli and stream of water running through it,

and is a beautiful block of land. LAND OF AHUL), in Waimes, the former homestead of Edward Sparke, and formerly the headquarters of the Sparke Sheep Ranch. This is probably the finest residence site in the district of Waimea, and is a magnificent block of land having an area of 22 acres, through which there is also a running stream of pure water.

containing 50 acres. This also has a

There are valuable stone fences and pens on the above properties.

The two last mentioned fine blocks of land are very advantageously situated, and are almost in conjunction with the fine residence property of the late Hon. John P. Parker, the headquarters of the Parker Cattle Ranch.

These lands are covered with fine Manienie Grass, ornamental trees, &c., and the climate of this locality has no rival anywhere else in the islands, being at an elevation of 2700 feet and at the base of snow-capped Mauna Kea, where the average temperature is from 50 deg. to 60 deg.

LEASED LANDS.

LEASE OF THE LAND OF HOLO-UKAWAI, near Waimea, from the Hawailan Government, containing 10354 acres, and expiring January 10th, 1909. Rent, \$62.25 per annum. There are two streams of water from Mauna Kas running through this land.

LEASE OF LAND AT WAIMEA from Crown Commissioners, containing 258 scres, expiring June, 1st, 1908. Rent, \$250 per annum. The boundary of this land on one side is on the Walkoloa siream.

LEASE OR MEMORANDUM OF AGREEMENT between the Punion Sheep and Stock Ranch Company and John P. and Samuel Parker, for run- no substitute.

ning sheep on a portion of the large Anupusa of Walkelos, in exchange for Ranch of running cattle on the Sheep Co.'s lands. This agreement expires in

There is also a lease, just expired, of Crown lands in Waimes, which the Punios Sheep & Stock Ranch Co. and its assigns, have held for 50 years, containing 679 acres, of which they are now in possession; and they have made application to the Territorial Government for a renewal of the lease. This application has not yet been acted

THE IMPROVEMENTS.

Consist of a Dwelling House of Manager at Keamoku, Men's Quarters, Large Shearing Shed, Yards, Pens, Wire Fences, Stone and Cement Cisterns, &c., and the following appurtenances, viz: Wool-Press, Iron Water Tanks, Redwood Water Tanks, Harness, Furniture, Scales, Sheep-Shears, Wool Packing, &c., &c., and the fol-

LIVE STOCK. 7,000 Sheep, more or less, including Ewes, Rams and Lambs;

25 Work Horses; 40 Mares and Unbroken Foals; 6 Team Horses and Hauling Wag-

The whole comprising a complete

The sheep are principally of the Merino breed, crossed with Southdown

and Shropshire, and the wool produced by the Ranch has always commanded the highest price in the Hawaiian Wool Market.

TERMS OF SALE. No bid for less than twenty thousand

States, will be received.

Cash, in gold coin of the United States, payable as follows:

1. Ten per centum of the purchase price, at the time of sale, upon the fail of the hammer, to be paid either in gold coin of the United States to the survivors above named, George W. Macfarlane and Henry R. Macfarlane, or in a certified check or certified checks, payable to their order. 2. The remainder of the purchase

price, within ten days after confirma-First Circuit Court, before whom the on her. said Estate of E. C. Macfarlane, deceased, may then be pending, and, upon the execution and acknowledgment liquidating and closing the copartner- by the undersigned, survivors, executors and executrix as aforesaid, and by each of them individually, of all conveyances, deeds, bills of sale, and other instruments, necessary to the full consummation of said sale and to the vesting of the title to the said prop-

erty, real and personal, and of the good will of the copartnership aforesaid, in the purchaser, and concurrently with the delivery of the same and of possession of the said property to the purchaser. All deeds, bills of sale, and other pa-

pers at the expense of the purchaser. Further particulars can be obtained at the law office of Henry E. Highton, corner of Fort and King streets, at the law office of Hatch & Ballou, Stangenwald Building, Honolulu, or from the undersigned, George W. Mactarlane or Henry R. Macfarlane.

Dated Honolulu, H. T., December 1st.

GEORGE W. MACFARLANE. HENRY R. MACFARLANE. Survivors of the Copartnership of Puu-

GEORGE W. MACFARLANE, HENRY R. MACFARLANE, FRED. W. MACFARLANE,

Stock Rar

FLORENCE B. MACFARLANE, Executors and Executrix of the Last Will and Testament of E. C. Macfarlane, deceased.

The above sale has been and is postponed until Saturday, January 16th, 1904, at the hour of twelve m. of that day, as above.

Dated, Honolulu, January 6th, A. D.

G. W. MACFARLANE. (Sg.) H. R. MACFARLANE. Survivors of the Co-partnership of Pu-

uloa Sheep and Stock Ranch Co. G. W. MACFARLANE, H. R. MACFARLANE, (Sg.) F. B. MACFARLANE, F. W. MACFARLANE,

Executors and Executrix of the Last will and Testament of E. C. Macfarlane, deceased.

A Citizen of Honolulu Sup plies the Information.

Over half the complaints of mankind

originate with the kidneys. A slight touch of bacasche at first. Twinges and shooting pains in the loins follow. They must be checked. they lead to graver complications.
The sufferer seeks relief.

So-called kidney cures which do not Plasters are tried and liniments for

The long looked for result seems unattainable.

If you suffer, do you want relief? Follow the plan adopted by this gen-

Mr. S. Hanoland, of this city, is a Custom House guard. He writes: Having been afflicted with an aching back for some time. I procured a supply of Doan's Backsche Kidney Pills at Hollister & Co.'s store, and used them. The results were most satisfactory and I know that the pills are a valuable medicine for kidney complaints and especially for a lame back." Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by

the Hollister Drug Co., Ltd., Honolulu. wholesale agents for the Hawalian Islands. Remember the name Doan's and take

INTO OCEAN

Lillian Young Makes Startling Charges of Cruelty.

Lillian H. Young has filed startling charges of cruelty and brutality against her husband, Thomas H. Young, in a suit for absolute divorce begun yesterday.

Mrs. Young states they were married in this city on January 29, 1309, and there have been born of the union. Margaret, now three years of age, and Florence, two years of age. She alleges that since December 9, 1903, they have lived apart, not, however, due to her fault. She says that although he is of sufficient ability to provide for her wants he does not do so and she is compelled to live on the bounty of friends and her own efforts.

In relating various instances of alleged cruelty, she states that on one evening in July, 1901, at their home in dollars, in gold coin of the United Walkiki, her husband cruelly struck and beat the daughter. Margaret, then aged ten months, and threw her into the ocean, from whence she was rescued by the mother in an exhausted and bruised condition. On this same night he made an unprovoked assault upon her, striking and kicking her on one of her hips, which remained bruised and discolored for days.

In August, 1903, Young is alleged by his wife, while they were living on Beretania street, near Alapai, to have struck and kicken her in the stomach, throwing her violently to the floor. This was done in the presence of sevtion of the sale by the Judge of said eral lady friends who were calling up-

Again in November, 1903, he became enraged and infurlated and struck and beat her with his open hands and swore at her. He then threw out of the window, the plates, glassware and other dishes which were on the table. He also threw out of the same window, all the food she had prepared for their lunch.

On December 8, 1903, he forcibly struck and beat his daughter, Mar-garet, now about three years old, and it is alleged the little one was very brutally beaten. The mother says the child's face was pounded until it became frightfully bruised and the marks and imprints of his fingers could be seen upon it for several days. On December 9 he is alleged to have forced his wife out of their house and refused to permit her to return.

She states he is an employe of the street railway and receives between \$90 and \$100 per month.

AN EDITOR'S OPINION.-John S. Dawes, Esq., editor and proprietor Guardian and Star, Hokitika, New Zealand, said: "I have found Chamberlain' Cough Remedy a very valuable medicine, having received great benefit from its use when suffering from cold, and as a preventive for croun in children its excellent properties have been testified in my family." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for

MOTHERS should know. The troubles with multimudes of girls is a want of

proper nourishment and enough of it. Now-a-days they call this condition by the learned name of Anemia. But words change no facts. There are thousands of girls of this kind anywhere between childhood and young ladyhood. Disease finds most of its victims among them. Some of them are passing through the mysterious changes which lead up to maturity and need especial watchfulness and care. Alas, how many break down at this critical period; the story of such losses is the saddest in the history of home. The proper treatment might have saved most of these household treasures, if the mothers had only known of WAMPOLE'S PREPARATION and given it to their daughters, they would have grown to be strong and healthy women. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In building up pale, puny, emaciated children, particularly those troubled with Anemia, Scrofula, Rickets, and Bone and Blood diseases, nothing equals it; its tonic qualities are of the highest order. A Medical Institution says: "We have used your preparation in treating children for coughs. colds and inflammation; its application has never failed us in any case, even the most aggravated bordering on pneumonia."
The more it is used the less will be the ravages of disease from infancy to old age. It is both a food and a medicine,-modern, scientific, effective from the first dose, and never deceives or disappoints. "There is no doubt about it." Sold by all chemists here and throughout the world.

HARWCHLD FOR BABY'S SKA SCALP AND HAIR

Something for Mothers to Think About

EVERY CHILD born into the world with an inherited or early developed tendency to distressing, disfiguring humours of the skin, scalp, and blood, becomes an object of the most tender solicitude, not only because of its suffering but because of the dreadful fear that the disfiguration is to be lifelong and mar its future happiness and prosperity. Hence it becomes the duty of mothers of such afflicted children to acquaint themselves with the best, the purest, and most effective treatment available.

That warm baths with CUTICURA SOAP to cleanse the skin and scalp of crusts and scales and gentle applications of Curroura Ointment to instantly allay itching, irritation, and inflammation, and scothe and heal, to be followed in the severes: cases by mild doses of Curicura Resolvent are all that can be desired for the allewiation of the suffering of skin-tortured infants and children and the comfort of wornout worried mothers has been demonstrated in countless homes in every land. Their absolute safety, purity, and sweetness, instantaneous and grateful relief, speedy cure, and great economy leave nothing more to be desired by anxious parents.

Complete External and Internal Treatment for Every Humous, Consisting of Curicura Soar, to cleanse the skin and scale of crusts and scales, and softes the thickened cuticle, Curicura Clothenet, to instantly allay itching and irritation, and softe and heal, and Curicura Resolvent, to cool and cleanse the blood. Sold throughout the world. Aust Depot: R. Towns & Co. Sydney, N. S. W. So. African Depot: Lenkos LTD., Cape Town. "How to Cure Baby Humours," free. Putter Drug and Cuell. Corp., Boston, U. S. A., Sole Props., Cuticura Remedies.

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THE SCHOOL QUESTION

Kamehameha Schools, Honolulu, Hawaii, Jan. 12, 1904.

Editor Advertiser: Your remarks in Saturday's Advertiser deserve consid- ion should act. eration by both teachers and parents. those who do not expect to go to col-, thing else worth learning. lege is being done as far as possible by both the High School and Oahu. And Oahu will do more next year. Cannot you get the head of each of these institutions to tell the public what is being done for the boys and girls who do not expect to enter college? The public don't care to look through a regulation yearly report for this information; and so go without it. just now, and people would be glad to

strong as public opinion. And what remiss in their duty? Why has not the Oahu and the High School and the matter been called to the attention of public schools need most of all, is a the principal? Why has not the prinpublic opinion that knows what is be- cipal reported the delinquency of the ing done and what is needed. Such a janitor to the school agent, to whom a public opinion will see to it that money is appropriated to train its boys and girls for the work they are to do.

I would like to have two other matof pupils; second, the value of nature; school system.

why I make suggestions. suggestions are offered now.

But first let me say that I have no personal quarrel with teachers for overworking my children. My children are standing the strain, for reasons given in my last article. And they are getting as much knowledge and power as is good for them, at their age. And I will even confess that the way l know how and why teachers overwork their pupils, is because I did the same. -till I learned better. It is a hard lesson to learn and some teachers never learn it. Even public opinion will not change their opinion. But to overload a horse or an engine or a pupil is poor economy of time and strength. It shows a lack of judgment on the part of the person in charge of the loading: and the results come back upon that person as well as upon the horse, the

engine or the pupil. The one thing I have learned is that the university, the public and employers want men and women of judgment, accuracy and persistence. These qualities can be developed by proper training. I will not undertake to say here what this proper training consists in But it does not consist in overworking the pupils in our schools. If a driver insisted on overloading his team, he would be dismissed. If an engineer persisted in overloading his engine, he would be dismissed. A driver must show judgment. An engineer must show judgment. But some teachers know no limit to the amount of load. And their excuse? "The higher schools require a given standing." "The universities require a given preparation."

The mistake is in the judgment in selecting the materials that will best develop the pupils. I am not trying here to say what this material should be; but it is not the mass of stuff the pupils so often set. In Mathematics and the Sciences the principal danger is in giving problems that are too difficult. The results are memorizing of solutions or dead failure, on the part lacks mathematical ability, why should

he be "nagged" at through a whole course in Mathematics. But when we come to the work in History and Literature we find a mass of details where only the careless teacher is "at home" and sure of himself. What with dates without number; and names of places long ago but dust; and the miserably small ambitions and successes or there of men and women, whose ver might better be left unknown; the no limit to the details that exhaust the pupil's body and mind, and patience as well. And to what purpose They are soon dust and gone as the men and women with whom they were Sister Judith, the Reverend Mother of once connected. And all the time pu- the Convent. Sister Laurentine was pils remain ignorant of conditions sur- born in France, and was a lay sister rounding them; ignorant of the live throughout her long career in the stre

≁℗≁℗≁℗≁℗≁℗≁℗**ͱ**℗ͱ℗ͱ℗ⅎ℗ⅎ℗ⅎ℗ⅎ℗ⅎ℗ⅎ℗ℴ℗ⅎ℗ⅎ℗ⅎ℟ⅎ℧ⅎ℗ⅎ℗ⅎ<mark>֍</mark> their part in the events they will soon have to face,

If teachers cannot see this or will s not act upon it, it is time public opin-

As the High School pupil said in What you suggest as to training for your paper this morning, there is some-U. THOMPSON.

SCHOOL BANITATION.

Editor Advertiser: May I request some of your valuable space in whick to comment upon a few of the statements made by "A Practical Teacher" in this morning's Advertiser.

Have not the teachers in the city schools whose "floors are washed only But it would make interesting reading once in three months;" whose "rooms are reeking with flith;" who are suffering from the plague of "insanitary There is no other power on earth so closets" and other evils been very word of complaint would result in the appointment of capable help?

It would seem that the responsibility for such a condition rests upor ters discussed. First, this overworking principal and teachers, rather than the

Teachers in this country are singu-Suggestions are often worth more larly fortunate in having the hearty than a long article. This is one reason co-operation of all the school officials evils that may exist, and in furthering the welfare of the schools whose progress is the pride and hope of Hawaff

A PRINCIPAL

Honolulu, Jan. 13, 1903. Ed. for Advertiser: One of the most glaring mistakes in our school system is the small work required at the hands of the teachers. Have you ever figured it out? The school calendar has just been published by the Board of Education for the coming year and it will be interesting to see how very little ground the impudent assertion of the teacher "that he is overworked" has to stand on. Every holiday, religious and patriotic, is taken advantage In the 365 days of the year after Mr. Pedagogue has his summer, midwinter and Easter holidays, he has labored (?) less than 200 of them actually teaching school! In those 200 days he has worked at actual teaching on an average day of 4 hours steady work making a total of a year's work-at a year's wages-of 800 hours. In the banks and business houses, the government offices, the mercantHe houses, the work shops and, in fact, most of the positions in this city, mea are working steadily the year through seven to eight hours a day, or from 2200 to 2400 hours a year. Is it not a (Continues on page 5.)

SISTER LAURENTINE DIES AT CONVENT

Sister Laurentine Loyer of the Order of the Sacred Heart, died last evening at the Catholic Convent, Fort street, at the age of 79 years. For nearly forty years the sister had been the of a large part of the class. If a pupil doorkeeper of the Convent, retiring three years ago when age and ill health

compelled her to relinquish her duties. Requiem mass will be said at the cathedral this morning at 8 o'clock and the funeral will take place from the cathedral at 4 p. m. today, the interment being at the Catholic cemetery on King street.

Bister Laurentine is known to every one who has visited the Convent, and her death will be mourned by thousands of women who passed their childhood among the Sisters. She was one of the five Bisters of the Sacred Heart Order who founded the Convent about forly years ago. Only two now remain of that band, one of whom > questions of the day; unprepared for vice of the church.



ARRIVED.

Tuesday, Jan. 12. U. S. Army Cableship Burnside, Laf-

In, from Scattle, 12 days out. Stmr. Mauna Loa, Simerson, from Lahaina, Maalaca, Kona and Kau ports, at 6:10 a. m., with 44 bags awa, 8 sacks potatoes, 142 bunches banahas, 849 sacks coffee, 255 bags taro, 36 boxes fruits, 5478 bags sugar, 31 head cattle, 32 pigs, 8 boxes fowls, 1 horse, 1 bull, 24 kegs butter, 20 bdls. hides, 3 bbls.

fish and 300 pkgs. sundries. Stmr. Niihau, Thompson, from Kanai ports, at 6:25 a. m.

Wednesday, Jan. 13. Stmr. Mikahala, Gregory, from Kauai

ports, at 6:45 a. m. Stmr. Lehua, Naopala, from Molokai ports, at 12:25 a. m. C.-A. S. S. Aorangi, Phillips, from the

Colonies, at 11:30 a. m. P. M. S. S. Siberia, Smith, from San Francisco, at 3 p. m.

Thursday, Jan. 14. Stmr. Helene, Weir, from Hilo, Hamakua, Maui, Molékai and Lanai ports. at 12:53 a. m., with 235 head sheep, 19 pkgs. sundries.

Stmr. Eclipse from Kauai ports at

DEPARTED.

Tuesday, Jan. 12. Stmr. Kinau, Freeman, for Hilo and way ports, at 12 m. Stmr. Claudine, Parker, for Maui ports, at 5 p. m.

Stmr. W. G. Hall, Thompson, for Kawai ports, at 5 p. m. Wednesday, Jan. 13. C.-A. S. S. Aorangi, Phillips, for Vic-

toria and Vancouver, at 4:30 p. m. U. S. A. cableship Burnside, for Manila, at 5:30 p. m. Stmr. Lehua, Naopala, for Maul, Mo-

lokal and Lanai ports, at 5 p. m. Thursday, Jan. 14. Am. schr. Charles R. Wilson, Johnson, for Gray's Herbor at 8 a. m.

Stmr. J. A. Cummins, Searle, for Waimanalo, at 9 a. m. S. S. Siberia, Smith, for the Orient, at

Stmr. Mikahala, Gregory, for Kaual ports, at 5 p. m.

Stmr. Nihau, Thompson, for Hanamaulu and Abukini, at 5:15 p. m. PASSENGERS.

Arrived.

From Kona, Kau and Maul ports, per stmr. Mauna Loa, Jan. 12.-From Kau: Miss Andersen, Miss D. Andersen, H. A. Grasa and wife, H. Hayselden, Sr., Dr. I. Yamada; from Kona: Vincent Fernandez and wife, Sam Lestie and wife, J. Gaspar, Misses de Mello (2), P. M. McMahon, J. Coerper, D. L. Withington and wife, M. F. Scott, L. J. Warren, Julian Greenwell, Paul Jarrett, wife and children (2), Yamashiro, C. Akona, T. C. White; from Maul: H. P. Baldwin, W. A. Baldwin and wife. J. P. Rodrigues, J. C. Ridgeway, Harry Penhallow, Christian Conradt, W. J. lony, Rev. S. Kapu, W. Weinrick and

Departed.

For Hilo and way ports, per stmr. Kinau, Jan. 12.-Arthur Anowsmith, Douglas Grant, W. B. Milne, J. Scott, W. P. Zwilling and wife, Dr. W. Hoffmann. W. F. Drake, R. H. Chamberlain, G. C. Akina, B. H. Clarke, Dr. Jas, Molony, Miss Alexander, Miss Wimple, Miss E. Lewthwaite, J. E. Higgins, W. Green, D. Conway, T. Y. Leong, D. B. Maconachie, Mrs. J. H. Raymond and son, D. K. Kahaulelio, Mrs. Franklin Carty, Miss G. Dowsett, Miss V. Makee, C. H. Dickey, S. T. Alexander, S. S. Peck, L. M. Whitehouse, J. S. Gray, A. A. Braymer.

For Maui ports, per stmr. Maui, Jan. 12.-Mrs. A. N. Kepoikal, Mrs. David, Miss M. Hare, Miss C. Sheffield, Mrs. H. T. Hayselden and son, C. Carman, A. Haneberg, Chas. Tetzlaff, A. Vierra, Jr., J. H. Craig, Miss Wilcox, Miss Dickey, A. N. Kepoikai, T. B. Lyons, W. Love, A. J. Rodrigues, H. B. Penhallow, C. F. Herrick, Ah Ping, Ah Kee, Mrs. J. Huihul, Miss Crook, Wm. J. Coelho, R. Henderson, C. M. Lovested, Mrs. D. H. Case.

Per stmr. Mikahala for Kauai ports, Jan. 14.-F. G. Prescott, F. D. Nelson, M. Schumic, W. H. Soper, R. J. Wilkinson, Rev. L K. Kaauwai, Mrs. Dr. W. G. Rogers, J. J. Dunne, wife and child, Miss Handy, Miss Thomas, J. B. Mendiola and wife.

Per S. S. Siberia, Jan. 14, for the Orient-Senator and Mrs. Cecil Brown. Miss Irene Dickson, J. F. Tritch and wife, W. B. White and wife, Dr. Wilham Danel and wife, C. M. Hung, Mr. and Mrs. Winship, B. A. Yorba, Manfred A. Hanschild and 87 in steerage.

Shipping Motor.

Capt. Weedon, formerly of the Nevadan, has been placed in command of the Nebraskan which is to sail on Janpary 20 from San Francisco for New York direct. The Nebraskan now has a capacity for 10,000 barrels of oil. Capt. Greene now commands the Nevadan. Gas, schr. Eclipse, Gahan, from Kau-

The Mikahala sailed for Kauai ports

The Alameda is due to arrive this

morning with two days' mail. The schooner Charles Wilson sailed

for the Bound yesterday morning. The Siberia sailed for the Orient at

mine o'clock yesterday morning. The Helene arrived from Hawaii ports yesterday morning with sheep.

The ship Star of Bengal sailed January 4 from San Francisco for Maka-

The Mani will go out on her new ran today to connect with the Alameda



Absolutely Pure THERE IS NO SUBSTITUTE

Solid Walls to Endure for All Time.

Representatives hall, or the old throne room, was the place of more than one important meeting yesterday. There was a small gathering of shipping men there at 4 p. m., to consider a subject as important, in its own way, to the general welfare as the imposing conference on county government of the morning.

C. S. Holloway, Superintendent of Public Works, brought the conference together to discuss Honolulu wharf and dock improvements. Besides the Superintendent and his consulting engineer, Marston Campbell, there were present: C. L. Wight, president of the Wilder Steamship Co.; J. A. Kennedy, president of the Inter-Island Steam Navigation Co.; F. W. Klebahn, representing H. Hackfeld & Co., Ltd., Fred. Whitney, W. G. Irwin & Co., Ltd.; and Clarence Crabbe, Theo. H. Davies & Co., Ltd.; Capt. Thos. K. Clarke, port superintendent for Wilder's; Andrew Fuller, harbor master, and Wm. H. Hoogs, representing the drayage in-

COOPER SCHEME MODIFIED.

Superintendent Cooper's great dock improvement scheme for the "outer harbor"—that is, the portion between a line drawn in extension of Fort street and the port en-Coelho, Rev. F. Fitz, T. B. Lyons, Mrs. trance—was spread out in drawings Dudoit. W. Berlowitz, Dr. J. J. Ma- upon a table. The principal man had upon a table. The principal map had marked upon it in colored lines, a modified scheme designed to fit the allowance of means which the Legislature made. An appropriation of \$750,000 had been asked, out of loan funds, but only \$300,000 was voted, with the understanding that the next Legislature would be asked for an equal amount

Fresh Vegetable Seeds

5ct. Packages

Just Received

Complete Assortment

Hollister Drug Co.

FORT STREET.

CHAS, BREWER CO/S NEW YORK LINE

Ship Tillie E. Starbuck sailing from New York to Honolulu March let. PREIGHT TAKEN AT LOWEST BATES.

For freight rates apply to CHAS. BREWER & CO. 27 Kilby St., Boston,

ce C. BREWER & CO., LIMITED, HOFOLULU.

if the entire improvement planned at that time be deemed wise to complete.

The modified scheme met with general favor. It is to construct a slip capable of accommodating two of the largest ocean steamers calling at this port, between Navy slip No. 1 and the Pacific Mail wharf.

Mr. Klebahn indicated the nature and advantages of the scheme on the map, amidst a conversational dis-

SOLID CONSTRUCTION.

It is proposed to build a seawall 75 feet out toward Ewa from the Navy wharf and, cutting off a portion of the present Pacific Mail wharf, dredge a slip 200 feet wide clear back to Allen street. With the dredgings the walled-off space next to the Navy wharf would be filled in. The length of the slip is presently given as 550 feet, although this would leave the steamer Korea, 575 feet long, protruding her excess into the harbor. Still she could work all her hatches. There would be two berths for the largest liners, or four berths for steamers of medium size.

The seawall is to be of solid concrete in the main, yesterday's discussion leading to the conclusion that at the present deep water end of the site cylindrical concrete plers should support the wharf superstructure.

QUESTION OF SHEDS. Warehouse sheds were the subject of a good deal of talk. Mr. Campbell asked if there ought not to be twostory sheds.

Mr. Whitney answered that the cost of piling freight in such lofty sheds would be too great,

It was generally agreed that there should be at least a shed on one side, of 75 feet width and extending the length of the slip. This would allow a steamer with a large cargo to berth at the side having the shed, where the merchandise might be speedly stored and the steamer have quick dispatch, while a steamer from an opposite direction with a light eargo to discharge, arriving the same day, would be docked at the open side if a single shed be the decision.

Mr. Fuller said the shed at the Bishop wharf was only 15 feet clear of the dock. He did not consider this sufficient, as the sheds ought to be at least 20 feet away.

Mr. Campbell replied that the Oceanic shed was but 15 feet away, while in San Francisco sheds were not more than four feet from the edge of the wharves. There was something wrong with the handling of cargo at the Bishop wharf if slings hit the sheds.

Mr. Crabbe said the Korea or Si beria would not have room to put down the gangway at the Oceanic wharf. Someone in reply suggested a way to get over this difficulty, by placing the gangways opposite the shed doors.

GIVE ENOUGH ROOM.

The prime object of giving a width of 200 feet to the slip was to afford room for coaling or freight linters to get be tween two steamers when docked at the same time. Mr. Hoogs told of a lighter having to be taken out of commission the other day, and small scows employed instead, when the steamensiberla was docked opposite the cable ship Burnside in the Navy slip, which is 140 feet wide.

WITHIN THE MEANS,

Mr. Campbell demonstrated the idea of seawall construction already noted. The concrete wall could be put down in the 34 feet of water contemplated and the work, in his opinion, not exceed the appropriation of \$300,000 in cost.

Mr. Fuller agreed with the solid wall proposition, with earth filling behind. This was modified later on the suggestion by Mr. Campbell of piers at the

THE GRAND OBJECT.

Mr. Wight struck a keynote, to which there was an agreeable response, when he said:

"When you go to build a wharf, do it well for all time—if you only build one now. It is not a matter of mere income, but with the idea of making Honolulu the center of Pacific commerce."

Mr. Whitney echoed the sentiment by saying they wanted the information to go abroad over the world that ships in distress, or needing any repairs or supplies, might here find a safe haven where cargo might be stored or transferred in case it were desirable.

MINOR IMPROVEMENTS.

Other harbor improvements were dismeans would be available.

One of these minor works represented as much to be desired was an enlargement of the bight lying between the Oceanic wharf and the old Inter-Island wharf. This would prevent the prov jection of sailing vessels into the stream, to the embarrassment of pilots taking large steamers in or out.

Another improvement to come into immediate plans is the widening of Fort street slip by 24 feet so as to have it accommodate two ordinary windimmmers or steamers lying parallel to each other at opposite wharves.

CAPTAIN NIBLACK AWAITS ORDERS

Captain Niblack, commandant of the naval station, called on Governor Carter resterday afternoon in his new capacity of inspector of the lighthouse sub-district of Hawali. He was disappointed in expectation of his instructions by the Siberia's mail, but hopes now to have them by the Alameda this morning. Captain Niblack also expects the arrival of a clerk for the lighthouse business in the Alameda. Pending the receipt of instructions by the Federal inspector, the Territorial Government is keeping the wicks trimmed and the lights burning. It is a safe enough risk, whatever else is shaky, in view of the proclamation by President Roosevelt taking over the

HOMICIDE STARTS NOW

Guilty Second Degree.

Daniel Nuuanu was found guilty of manslaughter in the second degree before Judge Robinson yesterday afternoon. He was charged with strangling one Kaaihue to death at Puuloa. near Pearl Harbor entrance, last September. The jury retired at 4 o'clock and returned the verdict at 4:30. Counsel for defendant gave notice of motion for a new trial. Sentence was appointed for Monday at 10 o'clock

BILLY PATTERSON, STRIKER. "Who struck Billy Patterson?" was a famous problem many years ago. William Patterson appears for trial as the alleged striker, instead of the strikee, before Judge Robinson this morning. He is under indictment for assault and battery.

SURETY WITHDRAWS.

The Fidelity Insurance Co., Ltd. Emmett May, secretary, has filed its withdrawal as surety on the bond of Jessie K. Kaae, executrix of the will of Margaret V. Carter, deceased. RESTITUTION ORDERED.

Judge De Bolt has caused judgment to be entered in favor of Maria Rawlinhos ag_inst A. M. Silva for the restitution of certain premises situated in Kinau street, Honolulu, now occupied as a dwelling by the defendant.

PROBATE MATTERS.

Mary Kamakalehua Judd has a petition on file for the appointment of Mrs. Emily C. Judd as guardian of the property of Emily C., Charles H. and Pauahi, minor children of the peti-

Lum Aug, son of Ah Kana, alias Ah Kun, deceased, petitions that Yim Jan Kong be appointed administrator of his father's estate, which consists of a claim of \$190 against the estate of the late W. L. Wilcox.

REHEARING ASKED.

Plaintiff in the case of Frank Godfrey, trustee for Thomas Metcalf, vs. John Kidwell, has by his attorneys, W. Austin Whiting and Chas. F. Clemons, filed a petition for rehearing in the Supreme Court, where a decree of the Circuit Judge in plaintiff's favor was eversed. The following grounds are submitted:

1. That said decision of the Supreme Court is in conflict with former controlling decisions to which the attention of said court was not drawn;

2. That questions decisive of the case, and duly submitted by counsel, have been overlooked by the court in said decision;

3. That said decision is based upon mistake or misapprehension of the facts of the case apparent upon the record:

4. That many fraudulent acts, omissions and silence of defendant as appear of record render said decision against equity;

5. That said decision does not give due weight to the evidence in said cause is not supported by the facts in the record;

6. And, further, petitioner submits that the special circumstances of the case; the fact, as appears of record, that the plaintiff was an ignorant young man, without business training or experience, who had just arrived at majority, who was without disinterested or independent legal or other advice in the transaction at issue; that the consideration involved was hardly a cussed, for which it was stated that fair one, that no error appears in the admission or rejection of testimony, that the cause appears to have been heard fairly and fully in the lower court, and that the Judge thereof is the best judge of the evidence and the weight of evidence and of the credibility of the witnesses; that the appeal in this Supreme Court was decided by a divided bench; and that the cause is one in equity, the policy of which is liberal-render a petition for rehearing in the afternoon that she may forget especially reasonable and worthy of favorable consideration,

JAPANESE COUPLE SEVERED.

Judge De Bolt granted a divorce to Kiku Fukunaga against her husband Ichlauki Fukunaga on the ground of desertion. T. J. Dillon appeared for libeliant, the libeliee making no ap-

DEBT IS SETTLED. Dr. J. T. Wayson's suit for \$137.18 against Deborah Pahau, on defendant's appeal from Judge Dickey, has been

tlement out of court. APPRAISERS APPOINTED Judge Robinson appointed H. Focke, Geo. Stuebner and F. Freudenberg as appraisers of the estate of In Chock,

DISCHARGE IN BANKRUPTCY. Henry C. Vierra has filed a petition in the United States District Court for discharge from bankrupter.

Park Commissioners.

Secretary Atkinson yesterday signed and forwarded commissions to the following newly appointed Park Commissioners: A. S. Cleghorn! W. M. Gif-Thurston and E. S. Cunha.

D. Nuuanu Found Mr. Pratt Wants to Be Prepared For Every Eventuality.

Tax Assessor J. W. Pratt dismissed six of the junior clerks of the Oahu tax office without prejudice, so as to avoid the making of more public obligations than can be helped in the unsettled situation produced by the nullification of the County Act. At the same time he notified the remaining members of the office staff that they are working only on prospective payment for their services. They were also informed that their daily time would be twelve to fifteen hours, as they would have to do the writing up of the day's work at night.

This year's assessment work under the Territorial system, brought into force again through the abrupt cutting out of county government, will begin on this island today. Mr. Pratt is sending out all the deputies to make their field notes. Under the County Act assessments had to be made by the fourth Monday of March, whereas they are not due under the Territorial system until June 30. Mr. Pratt's object in promoting the work now is to provide against having the County Assessor bunched up should the County Act be legalized by the United States Congress. The new blanks have been aiready provided.

Reversion to the old law places the income tax assessment forward to July 1, and the exemption at \$1000 instead of \$1800 as the county law provided.

With regard to the clerks let out under the present stress, Mr. Pratt says that, so far as he is concerned, they will all get back whenever circumstances warrant.

(Continued from page 7.)

fair question to ask whether the teachers of the Territory are earning their salaries, especially when they turn back to the parent, the pupil to be really taught at home?? I have had the same bitter exper-

ience as those of hundreds of other

parents in-this city. "Home-work" has been the bane of my existence for some years past and the stand your paper has made in behalf of the suffering freeholder and taxpayer has struck the premises together afford a very dea responsive chord in my family. To have one of your children in tears because he couldn't understand the peculiar system of working out an arithmetical problem when you are tired out with your day's work was a circumstance in many of the Honolulu homes in the past. But we now understand that ours is not the only stupid boy or girl that has to do "home-work," but that the shirking of the teacher's duty has been the experience of most of our people.

One could, however, forgive, in the inaptitude of the scholar, the desire of the teacher to have him taught at home, if he did not know how little time the teacher really gave to his pupils. The above figures will show

One word more. We all have the deepest respect for the teacher whom the above does not apply to. We all know her. The earnest, affectionate, devoted teacher! She is praised all over the city and "her works follow Her rooms are always crowded with pupils and she don't bother the parents ? her pupils with work for

the child to do at home. There is the other one. The head some time of the whole system, giving most of his time to editing a daily paper or booming a resort for rheumatics, or the flighty young woman on the still hunt for a holiday or two o'clock until 9 o'clock next morning the few hours that she has spent with her pu-

Where are the good old days of our childhood when we trudged through two feet of snow in this same month of January forty years ago. We know we started at lessons at 8:30 s. m. and finished, if we were not "kept in," at 4 p. m., with a cold lunch at noon. A proposition like this would send the cold shivers down! the back of some of our modern teachers, but would it have that effect on the parents? Try discontinued by plaintiff through set- us.

C. D. STONE.

Bullet Broke Plate Glass.

Detective McDuffie's revolver was exploded accidentally in the Waverly barber shop yesterday and the bullet went through a heavy plate glass window. and just missed a man who happened to be in the vicinity.

McDufflie put the revolver in his coat pocket, in its case, while in the barber's chair. When he put his coat on again he forgot about the gun, and it dropped from his pocket, striking on sels will be chartered to take the place fard, F. M. Hatch, H. E. Cooper, L. A. the hammer, with the result above re- of these steamers if they are converted

BY AUTHORITY

MORTGAGES NOTICE OF INTEN-TION OF FORECLOSURE AND OF

Notice is hereby given that, pursuant to/the power of sale contained in that certain mortgage dated May 31, A. D. 1899, made by Elizabeth K. Smith, wife. of George W. Smith, of Honolulu, Island of Oahu, Territory of Hawaii. Mortgagor, to Mary J. Alexander, Mortgagee, and recorded in the Register Office, Ozhu, in Liber 196, pages 40-43, the Mortgagee intends to foreclose said mortgage for condition broken, towit: the non-payment of principal and interest when due.

Notice is likewise given that the property conveyed by the said mortgage will be sold at public auction at the auction rooms of James F. Morgan, Kaahumanu street, Honolulu, on Saturday, the 6th day of February, 1904, at 12 o'clock noon. The property covered by said mortgage consists of:

First. All that certain piece or parcel of land situate at Panwela, Hamakualos, District of Makawao, Island of Maul, Hawailan Islands, containing an area of 46 acres, 2 chains and 65 fathoms (more or less), and being the same premises described in Royal Patent No. 144 to Paele and conveyed to the mort-gagor by Kia Brooks and George

Brooks, her husband, by deed dated November 28, A. D. 1895, and recorded in the office of the Registrar of Conveyances in Honolulu in Liber 158, pages 366 and 367.

Second. All that piece or parcel of land situate at Kamaole, Kula, Island of Maul aforesaid, containing an area of 5 acres (more or less), and being the premises described in Royal Patent (Grant) 392 to Pilipili; also all those pieces or parcels of land situate at Hamakualoa; said Island of Maui, and being parts 1, 5 and 6 of Royal Patent 2168, Land Commission Award Nos. 3829 and 6613 to Paele; Part 1 containing an area of 86-100 of an acre; Part 5 containing an area of 5-100 of an acre, and Part 6 containing an area of 3 24-100 acres; said premises described in Paragraph Second being the same premises conveyed to said Elizabeth K. Smith by deed of Kia Brooks and husband, dated July 29, 1896, and recorded in the Register Office, Oahu, in Liber

164, pages 131 and 132, Third. All and singular that parcel of land situate at Kauluwela, in said Honolulu, bounded and described as Beginning at the east corner of this

land, being the west corner of Makainaj Lane and Kuakini street, and run-N. 41 deg. 20 min. W. 101 feet along

Kuakini street; S. 53 deg. 00 min. W. 110 feet; N. 41 deg. 00 min. E. 118.5 feet along

N. 44 deg. 20 min. E. 110 feet along Makainai Lane to the initial point, containing an area of 12,058 square feet (more or less).

And being the same premises conveyed to said Elizabeth K. Smith by

deed of Jesse P. Makainal, dated June 1, 1899, and recorded in the Register Office, Oahu, in Liber 238, pages 214-216. Together with all the rights, easements, privileges; and appurtenances thereto belonging.

There is a comfortable cottage upon this last mentioned house-lot on Kuakini street between the residence of Mr. P. C. Jones and Lilina street, and sirable opportunity for investment.

Terms: Cash United States Gold Coin. Deeds at the expense of pur-

For further particulars apply to W. O. Smith, Judd Building, Honolulu. Dated Honolulu, January 6, 1904. MARY J. ALEXANDER,

Mortgagee. By her Attorney-in-fact, W. O. Smith.

Your Sugar Crop

Depends on the right quantity and quality of Ammoniates it has to feed upon. Nitrogen (Ammonia) being the principal material removed

from the soil by sugar cane. A few dollars' worth of

Nitrate of Soda

(The Standard Ammoniate)

fed to each acre of growing cane, will give surprising results. Planters should read our Bulletins giving results of Agricultural Experiment Station trials. They are sent free. Send name on post

> WILLIAM S. MEYERS, Director.

12-16 John St., New York, U. S. A.

SITUATIONS WANTED.

A SITUATION as sugarboller by competent and experienced man. Address A. B., this office.

No Information as to Marus. Hackfeld & Co. have received no in-

formation as to the reported action of the Japanese government in deciding to take over the Maru steamers as transports. All three of the Marus are at sea. The Hongkong Maru is due in Nagasaki today, and was to have sailed for Honolulu January 20th. The Nippon Maru left Honolulu for Yokobama on the sixth and is due there January 18th. The America Maru is due to grrive at San Francisco tonight and will sail again for Honolulu on the 25th. The agents are still taking Oriental bookings for the steames as no notification has been received to the contrary. It is probable that wes-